

THE WORK BOOK[©]

WORK PARTICIPATION

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Background

Temporary Assistance for Needy Families (TANF) is the federal program that was established out of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Maryland's program is Temporary Cash Assistance (TCA). Primary funding for the TANF program comes from Federal Title I funds (Block Grants for Temporary Assistance for Needy Families). The Deficit Reduction Act (DRA) of 2005 reauthorized the TANF program. The DRA required States to change their work participation programs effective October 1, 2006.

Reasonable Accommodations

When there is customer contact with the local department regardless of who initiated the contact, the local department must ask the customer if the customer requires special accommodation because of a disability. When the local department contacts the customer about a required interview, participation in a work activity or for other reasons, the local department must advise the customer that special accommodations will be made to assist the customer. Customers who are not able to come to the LDSS or a vendor appointment because of a disability should be offered a phone interview, home visit or other accommodation. More information on working with TCA customers with disabilities is available in the Customers with Disabilities section of THE WORK BOOK.

101 Definitions

- A. **Assessment** is an evaluation completed at application, recertification or as the customer's needs change that considers the customer's educational level, job skills and readiness, and interests to determine appropriate activities for the customer.
1. An assessment:
 - Lays the ground work for customer success in becoming self-sufficient
 - Identifies customer skills and resources and potential skills and resources
 - Identifies existing and potential obstacles to customer success
 - It helps determine how long it will take the customer to reach his/her goals.
 2. The assessment should include the customer's:
 - Education,
 - Work history,
 - Job readiness,
 - Job skills,
 - Training interests,
 - Family resources to facilitate independence, and
 - Family health

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3. Without an assessment chances are the customer will continue to churn on and off of assistance
4. The Family Investment Plan can not be developed until the assessment is completed.

B. **Core Work Activities:** federal law defines work participation activities into core activities and non-core activities. Core activities are those activities the law determined to be most effective in helping people obtain employment.

C. **Excused absence**-means that a customer can be granted up to 16 hours per month of excused absence from their assigned work activity without being found in non-compliance. The hours are counted for work participation as excused hours. Credit for days missed due to an excused absence is not available for unpaid leave for participants in employment activities (WEJ, WSP, WSU and OJT). In order for excused absence hours to count the WEI parent must be scheduled in the activity or activities for those days.

In non-employment activities, however, recipients may count up to 16 hours of excused absence per month at the discretion of the local department case manager, not to exceed 80 hours during the most recent 12-month period.

D. **Family Independence Plan**

1. **Plan** means the Family Investment Program's written and signed mutually agreed upon Family Independence Plan. The Family Independence (FI) plan is the most important step in helping customers to achieve self-sufficiency.
2. The FI plan tells the case manager and the customer where the customer is going and how the customer is going to get there.
 - Leaving any portion of the FI plan incomplete is likely to hinder and delay the customer's success.
3. The FI plan is developed by the case manager and the customer together and starts with an assessment. The Family Independence Plan is essential to the customer's progress in working toward leaving TCA.
4. The Family Independence Plan includes:
 - A statement of the goals and intent of the Plan
 - Activities and other actions the customer is expected to complete;
 - The supportive services the local department is expected to provide to the family.

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- Barriers or problems identified that must be overcome
5. Update the Plan at redetermination, interim change and when other actions occur. An updated Plan must include:
 - All past and updated assessments
 - Information regarding customer disabilities
 - Information regarding counseling referrals, acceptance, or refusal
 - Social Services referrals and support offered, accepted or refused
 - Other supportive services offered, accepted or refused
 - Testing
 - Education programs referred, accepted or refused
 - Job search history
 - Job training history
 - Work experience
 - Employment
 - History of family violence; and
 - History of substance abuse.
 6. Compliance with the FIP Plan:
 - Customers develop the Plan with the case manager and agree to follow the Plan
 7. Non-compliance with the FIP includes:
 - Failure to provide required verification
 - Refusal to sign required forms
 - Not following the FIP Plan
 8. **Send a Notice of Adverse Action (NOAA) and close the case after the 10 days adverse action period expires** for not complying with the FIP.
 9. Do not close the case because the customer did not comply with work requirements that are included in the FIP. Non-compliance with work requires conciliation and sanction.

Remember that sometimes our customers do not have goals other than getting through the day. Many don't know how to set goals and don't believe they can reach any goal they set. One of the **goals** of the FIP Plan is to help customers develop and strive for attainable goals.

D. Federally defined work activities- are activities specifically designated and defined by Federal law defining what are considered countable or non-countable hours for work participation.

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- E. **Good cause-** means the customer is trying or tried to comply with a requirements but through no fault of their own was not able to comply.
- F. **Good faith effort** means the customer has made every effort to meet the terms outlined for the customer in the Plan.
- G. **State defined activities**-primarily designated as “O” coded activities, these activities designate what the customer is “doing” for self-sufficiency when the customer is not participating in a federally defined activity.
- H. **Supervision** –daily supervision means a responsible person that has daily oversight of the individual’s participation, but not necessarily daily contact.
 - **Paid employment:** supervision is a normal part of employment, the business supervisor provides supervision.
- I. **Supportive services-** services provided to the TCA family based on the assessed needs of the customer by the local department or through referrals to service providers (such as, but not limited to, counseling, Social Services, vocational rehabilitation referral, education, training, other evaluations).
- J. **Universal Engagement- from the day of application customers must be engaged in a State or federal activity that helps move the family to self-sufficiency.**
- K. **Work eligible individuals** (WEI) are the individuals applying for or receiving TCA benefits who are required to be counted in the federal work participation rate.

102 What is Work Participation?

102.1 Universal Engagement

- A. Each week, mandatory TCA recipients or work eligibles are required to participate in work activities for 30 hours. The participant may engage in a blend of activities to achieve 30 hours in the week.
- B. A minimum of 20 hours each week must be in one of the Core Work Activities.
- C. The customer may be engaged for the full 30 hours in the Core Work Activity.
 - ⊕ If the customer is engaged for 20 or more, but less than 30 hours per week in a Core Work Activity, engage the customer in other activities up to the remaining 10 hours each week so that the total number of hours of engagement equals 30.

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E. Encourage customers to participate for additional hours, but do not sanction:

1. Customers who achieve 30 hours of participation, but do not achieve 40 hours per week, or
2. Customers with a child under age 6 who achieve 20 hours per week, but not 40.

Note: Closely monitor and enforce participation for the initial 30 (or 20) hours in one of the Core Work Activities.

F. If a participant is absent, for any reason, and the absence results in achieving less than 30 hours (20 hours for families with a child under 6) in Core Work Activities in the week, the participant must make up those hours in additional Core Work Activities unless the absence is an excused absence. (excused absences are discussed further in this section.)

G. Participation includes but is not limited to, performing up-front job search, attending orientation, completing an employability assessment, and developing a Family Independence (FI) Plan.

H. The FI plan should be done as soon as **possible but no later** than 30 days after the customer files a TCA application.

I. Participation must continue as long as the customer receives TCA.

J. **All** of the following are work eligible TCA recipients and must be engaged in a countable activity:

1. adults
2. teen parents coded as either the head of household or children on the case, with no high school diploma who are not enrolled full-time in school
3. teens, ages 16 and 18 with no children in the assistance unit and with no high school diploma, who are not enrolled full-time in school and
4. full-time students who are to graduate during the year of their nineteenth birthday
5. legal immigrants
6. 2 parent families when both parents are able bodied

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- To meet universal engagement requirements both parents must be engaged in an activity.
- One parent providing child care for their own children is not a countable activity for universal engagement.

K. The following individuals are exempt from work participation:

1. Long term disabled adults or children applying for or receiving SSI and SSDI.
2. Single parents with a child under 1 (may be used for a maximum of 12 months in the adult's lifetime)
 - The exemption begins the day the baby is born and lasts for 12 months
 - **The 12th month is the month before the baby turns one when the exemption began at the baby's birth**
 - The exemption ends at the baby's first birthday for all other instances.
3. Needy caretaker relatives
4. Children under age 16
5. Parent caring for a disabled family member who lives in the home

L. Special Circumstances Limiting Work Hours

1. Customers may have circumstances, such as short-term illness or incapacitation, which prohibit them from participating in a federally defined work activity.
2. For the purposes of making them countable toward the 100% universal engagement rate, the case manager must require that these customers participate in State defined activities. For example, a customer with a broken leg who will not be able to participate in a federally defined work activity for 9 months would be placed in the State defined activity code OTM (wellness rehabilitation).
 - In order to remain in OTM and to avoid non-compliance, the customer must go to all doctors' appointments and physical therapy sessions during the 9-month period of incapacitation.

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103 Specific Households

103.1 Subject to Sanction

- A. Case managers must notify non-compliant individuals that the non-compliance without good cause makes them subject to sanction.
- B. Send the customer a Notice of Non-Compliance (NONC) informing them of the non-compliance behavior and that they are subject to sanction.
- C. **Required wording is:** Client's Name failed to comply with work program requirements and is subject to sanction.
- D. Code WORKS:
 1. **OTC** for clients in conciliation.
 2. **OTU** for under appeal for work sanction
 3. **OTX** for adverse action or sanction because of non-compliance with a work requirement

103. 2 Two Parent Households

- A. Two parent households are households in which:
 1. The adults have a child in common,
 2. Both parents receive TCA, and
 3. Both parents **are able bodied**.

Note: If one or both parents are disabled, the household is not counted as a two parent household. Two parent households are paid out of State General funds and are not in the WPR.

- B. The parents in the household are required to participate for a combined minimum of:
 1. 35 hours averaged weekly when one parent is providing child care to their own child and the other parent is completing all of the hours, or
 2. 55 hours per week averaged weekly if the household receives federally funded child care.
- C. The first 30 of the 35 hours, of participation must be in a federally defined core activity. The hours of participation may be attained by one parent or both parents.

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- D. If the assistance unit has POC the number of required hours is 55 with 50 of the 55 hours in core activities. The hours must be completed by both parents.
- E. A two parent household is not eligible for the child under one exemption. That exemption is allowed for a single custodial parent only.
 - The two parent household may be eligible for 12 weeks postpartum good cause

103.3 Households with SSI Recipients

- A. SSI and SSDI recipients are exempt from work requirements in Maryland.
- B. Encourage SSI recipients to contact Social Security about the Ticket to Work program if they would like to participate in a work activity. They may also be referred to an appropriate TCA work activity.
- C. The Data Manager must manually register an SSI recipient in WORKS, if the SSI recipient wants to volunteer.

103. 4 Families with Disabled Members (For more detailed information on disabled households see the section on TCA for Disabled Customers)

- A. Households with an Individual-who is disabled for 12 months or more
 - 1. Long term disabled individuals are not work eligible individuals. They are required to:
 - a. Apply for all benefits the customer is potentially eligible for, and
 - b. Follow all Social Security Administration requirements for obtaining SSI or SSDI including appealing any denial,
 - c. Have a medical disability form DHR/FIA 500 completed verifying the impairment.

Remember, pregnancy is not a disability and does not give the customer good cause for not participating. There must be some other factor that prevents the customer from participating in a work activity to have good cause or an exemption. Some other factors could include: doctor putting the customer on bed rest for a verified medical condition (use DHR/FIA 500) such as but not limited to, high blood pressure or swelling. The condition can be a result of the pregnancy, but the pregnancy is not a good cause for not participating in a work activity.

- 2. Code long term disabled individuals as OTD in WORKS for universal engagement purposes.

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3. Use caution when referring a disabled individual to a work activity.
 - a. Case managers and vendors must be very careful when referring a disabled customer to a work activity.
 - b. Review the DHR/FIA 500 carefully. If the form indicates the customer may participate in an educational or vocational program, evaluate the programs available to ensure the customer is in a program that he or she can succeed at and gain employment skills and knowledge.
 - c. There are several things we do not want to happen. We must ensure that customers are **not**:
 - i. Denied SSI because they are employed
 - ii. Set up for failure by putting them in activities they can not do, and
 - iii. “Warehoused” by just putting them in an activity that does not move them toward independence and self-sufficiency.

B. Short term disabled

1. Short term disabled individuals (disabled less than 12 months) are work eligible individuals, but may have good cause for not complying. They are included in the WPR (denominator) and count against us in the WPR calculation.
2. Short term disabled individuals can meet universal engagement requirements by participating in wellness activities. Code the short term disabled person **OTM** in WORKS.
3. The disability must be verified with a DHR/FIA 500 disability form.

103.5 Parent Caring for a Disabled Family Member

- A. A parent caring for a disabled family member, living in the home, is exempt from work requirements.
 1. The disabled person may be a spouse, child or other adult living in the household.
 2. The disabled individual, in the assistance unit, must have a medical statement DHR/FIA 500 (unless the individual receives SSI or other federal disability assistance) verifying the disability.

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3. The applicant or recipient must also provide a statement from the health care provider that the person is needed in the home to provide care for the disabled individual.
 4. If the disabled individual is a child, the parent must complete a 434-C form stating why the parent is needed in the home to care for the child.
- B. If the disabled person is a child and the parent did not complete the 434-C do not deny or close the case or make the customer mandatory for work.
- The case manger should review the information that has been submitted and see if it is obvious the parent is needed in the home.
 - Narrate the case record very thoroughly about the disability and why the decision was made.

Actual case example: Customer has three year old triplets. One of the children receives SSI and has severe medical problems (lung/ breathing problems, a tracheotomy (a tube in the child's throat) and a colostomy (a tube and bag to help eliminate body waste). All medical conditions were verified by a DHR/FIA 500. The mother did not complete a 434C. The case was denied.

The TCA should not be denied or closed. The customer is clearly needed in the home to care for the child. Please remember we work with people.

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103.6 Needy caretaker relatives other than parents

- A. Needy non-parent caretaker relatives are exempt from work requirements in Maryland.
- B. FIA takes the payment for the portion of the TCA for a needy caretaker from a different payment source.
- C. The payment for the non-parent caretaker relative is included in a “Room and Board payment” for the children.
 - The children receive a TCA payment that is one person higher than the number of children in the TCA assistance unit. This change does not affect how needy caretaker cases are processed in the local department.
- D. If the spouse of a needy caretaker relative lives in the home, the spouse must be included in the TCA also and is also exempt from work requirements.

When a non-parent caretaker relative or the caretaker’s spouse has income, the income is counted only against the portion of the TCA that is for the caretaker relative. The caretaker is not financially responsible for the children.

EXAMPLE:

The TCA for a caretaker and 2 children is \$ 576 (effective October 2013). The children’s portion is \$ 455. The TCA grant would never be lower than \$455 (unless the children have income) regardless of how much income the caretaker has. The caretaker’s income would only be count against the \$121 difference between the \$ 576 and \$ 455. If the caretaker’s income reduces the grant below the \$ 455 for the children, the caretaker is removed as a TCA recipient. See the TCA Manual section 303 for additional information on caretaker relatives and counting their income.

- D. You may encourage a caretaker relative to participate in a work activity, but not require and or sanction for not participating.

NOTE: For CARES and WORKS to correctly identify a caretaker relative; **DO NOT CODE** the children who are not the caretaker’s children as “CH” on the CARES STAT screen.

103.7 Citizenship

- A. Qualified Immigrants Not Eligible for Federal TCA
 - 1. Qualified immigrants who do not meet the requirements to receive federally-funded TCA are paid out of state funds

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- Immigrants who are admitted with work authorization **only** are not eligible for either State or federal TCA
2. Eligible immigrants are required to participate in work activities if not otherwise exempt and may be sanctioned for not participating.
 - They are exempt from federal work participation rates.
 3. Eligible immigrant adults are paid a “Room and Board payment” equal to the number of children in the TCA assistance unit plus the eligible parent/s. This is completed at FIA and is invisible to the local department

B. Ineligible and Undocumented Immigrants

1. Undocumented immigrants are people who are in the United States without proper legal status. They are here without the consent of the United States Department of Citizenship and Immigration Services (US CIS).
2. Immigrants who do not have a “qualified” status are not eligible for federally-funded or state paid TCA.
3. Although undocumented immigrants are not eligible for TCA, **citizen children of undocumented immigrants are eligible for TCA.** Most children born in the US are considered citizens even if their parents aren’t.
4. Do not require ineligible immigrants to participate in a work activity and do not sanction for not participating.
5. The income and resources of ineligible immigrant parents of citizen children is countable to the assistance unit.
6. When an immigrant does not have documentation of immigration status or has expired documentation, refer the person to US CIS. Do not contact US CIS directly to obtain documentation unless requested to do so by an immigrant who is:
 - Hospitalized,
 - Disabled, or
 - Has other good cause for not having the documentation and obtaining it would cause undue hardship

103.8 Minors

A. Minor parent

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1. Minor parents and the spouse of the minor parent have a requirement to be registered in school, attend 80% of the time
 2. If the minor parent or the spouse of the minor parent drops out of school, implement conciliation and sanction.
 3. Minor parents or the spouse of a minor parent who is under 18 years of age and has graduated from high school or obtained a GED is a work eligible individual.
 4. Although the spouse of a minor parent is not included in the WPR, the requirements for the spouse (in Maryland) do not change.
 5. A minor parent may not claim the child under one exemption.
- B. Non-parent minors (age 16-18 or 19 if graduating high school in the year the minor turns 19)
- A 19 year, who is not attending high school or who will not graduate before the end of the year in which the child turns 19, is not eligible for TCA.
- C. Non-parent minors (age 16-18 or 19 if graduating high school in the year the minor turns 19) must be in school and attending 80 percent of the time
- D. If the non-parent minor under age 19 is not in school without good cause, impose a PPI disallowance and refer to a work activity.
1. At redetermination ask for verification of school attendance.
 2. If the minor does not go to school, impose a disallowance and refer to a work activity
 3. If the minor does not comply with work requirements, remove the PPI disallowance and implement conciliation and an individual sanction.
 4. If the minor complies with the work requirement but does not go to school, the PPI disallowance continues. School is the goal.
- E. In the case of an 18 or 19 year old not in school without good cause, remove the 18 or 19 year old from the TCA or close the case after timely and appropriate adverse action if the 18 or 19 yr. old child is the only eligible child on the TCA.
- F. All teen parents, either heads of household or children on the case, and full time students who will graduate during the year of their nineteenth birthday are considered fully participating in federally defined work activities by maintaining satisfactory school attendance (80%).

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- G. All 16 and 17 year old teens who are not enrolled full time in school, home school or Job Corps must participate in federally defined work activities as mandatory adults.

103.9 Single parent of a child under one

- A. The single parent of a child under age 1 is exempt for a maximum of 12 months in the parent's lifetime.
- B. The 12 months begins the day the baby is born and ends the month before the baby turns one when the exemption begins at the baby's birth.
- C. For customers eligible for the child under 1 exemption, case managers should schedule an appointment with customer, in the last month of the exemption to discuss referring the customer to an activity on the first day of the next month and to assist the customer with obtaining child care.
 - 1. Customers are exempt until the last day of the month before the baby's first birthday when the exemption begins at the baby's birth.
 - 2. If the customer does not come in for the appointment, the case may be closed after 10 days adverse action, for failure to keep a scheduled appointment (CARES code 566). It is not a work sanction.
- D. Customers whose child under 1 exemption begins during the baby's first year but after the birth month are exempt for 12 months through the baby's first birthday.

Example: Customer applies for TCA. She has an eight-month-old baby. The customer is exempt with a child under one for four months. Two years later she reapplies for assistance and has a two and half year old child and a five-month-old baby. The customer is eligible for the child under one exemption for seven months.

- E. Once the 12 months of the exemption have been used, the customer may not claim the child under one exemption again.
- F. Child under one exemption always has preference over the 12-week post partum. The child under 1 removes the customer from the denominator of the Work Participation Rate.
- G. Customers can not use both the 12 weeks post partum and the 12 months child under one.

Customers can see-saw, on and off the child under 1 exemption for the full 12 months of the baby's first year.

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Example:

Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	Baby's birth- EXEMPT	EXEMPT	Goes back to activity	Misses 4 days of activity EXEMPT	1 day excused absence	20 hrs per week in activity	20 hrs per week in activity	Misses 3 days, 1 day not excused. EXEMPT	20 hrs per week in activity	20 hrs per week in activity	20 hrs per week in activity
	Child < 1	Child < 1	WPR	Child <1	WPR	WPR	WPR	Child <1	WPR	WPR	WPR
Jan 09	Feb 09	<p>The customer uses 5 months of the child under 1 exemption and is countable in the Work Participation Rate (WPR) for 7 months.</p> <p>The customer cannot be exempt and countable in an activity at the same time.</p>									
Misses 3 days, 1 day not excused EXEMPT	No longer child under 1.										
Child < 1											

103.10 Substance Abuse (See the section on substance abuse for additional information.)

- A. Substance abuse can be considered good cause for non-cooperation with an actual work activity.
 - As long as the customer is participating with substance abuse requirements and is not able to participate in a work activity, the substance abuse treatment is considered the individual's activity.
- B. Individuals participating in substance abuse treatment beyond 4 consecutive weeks and for more than a total of 120 hours (single custodial parent with a child under 6) or 180 hrs (all other work eligibles) in the previous 12-month period should remain in JBT (actively involved in substance abuse treatment) for the purposes of being countable toward the universal engagement rate.
- C. They, however, will no longer be countable toward the WPR during the year as long as they are in JBT, once they have exceeded the 4 consecutive weeks or 120 (child under 6) or 180 hours (all other work eligibles) maximum.
 - WORKS flips the code to an OBS if the hours are not needed for the WPR.
- D. It is recommended that individuals receiving substance abuse treatment on an outpatient basis participate in work activities other than JBT. Most substance abuse experts recommend that substance abusers participate in a training program or in work.
- E. The TCA case manager, after consulting with the local addictions specialist, has the final decision regarding an individual's ability to participate in other federally defined work activities.

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F. Customers who do not comply with substance abuse requirements are sanctioned for non-compliance with substance abuse requirements.

- Refer the customer to a work activity
- If the customer is non-compliant with work requirements, also implement a work sanction.

103.11 Domestic or family violence

A. A victim of domestic family violence is someone who is subjected to one or more of the following:

- Physical acts that result in or threaten to result in, physical injury to the individual
- Sexual abuse
- Being forced as a caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities
- Threats of, or attempts at, physical or sexual abuse
- Neglect or deprivation of medical care
- False imprisonment
- Mental injury, verbal abuse (i.e. threats, controlling behavior, deprivation of freedom, denial of personal liberties and isolation)
- Intimidation of the caretaker and/or the children in the household

B. Staff in the local departments of social services who interview customers must:

1. **Screen and attempt to identify victims of domestic/family violence (See Danger Assessment in the Appendix section) :**
 - When a TCA applicant or recipient is identified as a victim of domestic/family violence the case manager should advise them of their rights as a victim of domestic/family violence and the protections and services available.
2. **Refer victims of domestic/family violence to appropriate services:**
 - Case managers must refer victims to the domestic/family violence experts in order for the customer to receive appropriate counseling and other supportive services.
3. **Grant “good cause” waivers from certain TCA requirements when it is determined to be in the best interest of the family.**

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- a. The family Violence Expert determines if a victim of domestic/family violence is eligible for a “good-cause waiver”.
 - b. Good-cause waivers temporarily waive TCA program requirements until victims can meet the requirements safely.
 - c. Victims may receive a waiver of their work requirement or their child support cooperation requirement. Legal action against an abuser may place the victim at greater risk.
4. **Protect the confidentiality of domestic/family violence victims and their children:**
- All information on domestic violence victims and their children is to be kept confidential to decrease the risk of violence against them.
- C. Case managers and Employment Specialists must use caution when talking with an individual who may be a victim of domestic or family violence.
- D. Customers who are or have been in domestic/family violence situations must agree to cooperate with a counselor and attend counseling sessions as long as the cooperation does not put the customer or the customer’s children in jeopardy.
- E. In addition to the customer’s statement, the customer may have:
1. Police reports or court documents or other legal documentation of the violence, or
 2. Medical records documenting injuries, or
 3. Statements from witnesses who can verify the abuse.
- F. Do not require compliance or sanction any customer for non-compliance if the customer believes and can document that his or her life or the life of his or her children may be in danger if the customer participates in a work activity.
- G. At some point in the recovery, if the counselor agrees, the customer may participate in federally defined work activities.
- H. **Responsibilities of the Family Violence Expert:**
1. Receives all referrals of Family Violence
 2. Provides a safe haven if the customer needs and wants to escape the domestic violence situation immediately
 3. Develops and signs a written safety plan with the customer

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4. Does an assessment on the customer to determine if domestic violence has taken place
5. Helps the customer document domestic violence
6. Provides therapeutic counseling and consultation for the customer or helps the customer seek therapeutic counseling and consultation
7. Advises the FIA case manager if the customer needs good cause for child support or a waiver for work requirements.
8. Maintain the customer's right to confidentiality.

I. **Responsibilities of the TCA interviewer:**

1. Interviews each family who is applying for or receives Temporary Cash Assistance, incorporating either the suggested questions for family violence or another method to determine if the family is suffering from domestic violence.
2. Completes Danger Assessment
3. Refers all customers who say they are experiencing or the local department has reason to believe are experiencing family violence to the in-house family violence expert.
4. If child abuse or neglect is suspected or disclosed, the case manager must refer the case to services.
5. Gives the customer automatic "good cause" from child support requirements until the family violence expert does an assessment.
6. Codes the **DEM2** screen on **CARES** in the **DMVIOL** and the **TLEX –Rsn** fields.
7. Codes all appropriate **Child Support** screens in **CARES** for "good cause".
8. Makes a decision of good cause within 30 days of the receipt of the domestic violence claim.
9. Reviews the "good cause" claim at each redetermination.

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J. Maryland Safe at Home Address Confidentiality Program

1. Customers escaping from an abusive relationship can register with the Maryland Secretary of State (SOS) for the Maryland Safe At Home Program.
2. When registered, the customer's mail goes to an SOS address and then forwarded by the SOS to the customer.
3. When customers are registered in the State program or in a County or local domestic violence program that provides a "safe" address, all mail to the customer is sent to the safe address.
 - The customer's true address is not entered in any system or case narration. Use the "Safe" address.
 - The customer is not required to provide their actual address.
4. The customer's information is confidential and should not be provided to anyone.

104 Federal Work Participation Rate

- A. A significant percentage of all work eligible TCA recipients must be participating in a federally defined work activity.
 1. The actual percentage of countable recipients in a federally defined work activity each month is called the federal work participation rate (WPR).
 2. Calculating the Work Participation Rate (WPR).
 - a. The mathematical calculation of the work participation rate is comprised of a fraction with a numerator and a denominator.
 - b. Dividing the denominator into the numerator produces a percentage. That percentage is the work participation rate.
 - c. The numerator includes all countable work eligible TCA recipients.
 - d. The denominator includes all work eligible TCA recipients.
 - e. DHR calculates the participation rate every month for each local department and for the State.

Example:

If a local department has a numerator of 37 **countable** work eligible TCA recipients and a denominator of 100 work eligible TCA recipients for the month, the local department's work participation rate is 37%. ($37/100 = 37\%$)

- B. Activities must be of a certain type and hours must be of a certain monthly average for the customer to be either countable or non-countable.

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- C. To be countable in the participation rate calculation, customers must participate in certain activities an average of 30 hours per week each month.
- D. WORKS is the system used to track work activities and participation hours. When a customer changes activities the code in WORKS must be updated.

Note: A minimum of 20 (20 hours total for single parent families with a child under 6) of the 30 hours must be in a federally defined core work activity (FDWA).

104.1 Federally Defined Core Activities. There are 9 core activities:

Unsubsidized employment	WEJ
Subsidized private sector employment	WSU
Subsidized public sector employment	WSP
Work experience	WEX
On-the-job training	OJT
Job search and job readiness	JBS/OBS
Substance Abuse Treatment (part of job search and job readiness)	JBT/OBM
Mental Health Treatment (part of job search and job readiness)	JBM
Rehabilitation Services (part of job search and job readiness)	JBR
Community service programs	WEM
Vocational education	BEV/OEV
Child care for an individual participating in community service	WEC

104.2 Federally Defined Non-Core Activities.

- Customers completing 20 hours of the required 30 hours in a federally defined, core, activity, may complete the final 10 in either a federally defined core activity or one of the three federally defined non-core activities.

Satisfactory attendance at a secondary school or in a GED program	BED
Education (directly related to employment)	BER
Job skills training directly related to employment	IST

104.3 State Defined Activities.

Prenatal/12 week postpartum	OTP
Caring for a child under age (max. 12 months in parent's lifetime)	OTB
Disabled for more than 12 months	OTD
Illness or incapacity/wellness rehabilitation < 12 months	OTM

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Caring for a disabled household member	OTG
Court ordered appearance	OTO
Temporary incarceration	OTJ
Family crisis/family services	OTF
Breakdown in transportation/seeking trans (max. 30 days)	OTT
Breakdown in childcare/seeking childcare (max. 30 days)	OTZ
Substance abuse referral/waiting list	OTS
Substance Abuse Treatment (when exceeding allowed time)	OBT
Mental Health Treatment (when exceeding allowed time)	OBM
Rehabilitation Services(when exceeding allowed time)	OBR
Domestic /family violence	OTV
In conciliation	OTC
Pursuit of Income Supports	OTL
Adverse action or sanction period	OTX
Under appeal for work sanction	OTU
Customer transferring between districts or district offices	OTQ

- A. There are certain limitations placed upon the use of core and non-core federally defined work activities.
- B. Participation in job search/job readiness (JBS) and substance abuse treatment (JBT) counts, for work participation rate purposes, for a maximum of four consecutive weeks and for a maximum of 120 hours for a single custodial parent with a child under 1 and 180 hours for all other work eligibles in the previous 12-month period. (Customer begins a JBS activity in March 2008. The 12-month period ends February 2009.)

Example:

Winnie Morris applies for TCA on November 29. She is referred to a Job Search/Job Readiness Workshop that begins on December 6. The four-week program combines classroom, job club, and job search activities, for 30 hours per week. Ms. Morris attends every week. Count Ms. Morris as a work eligible TCA recipient for the month.

Ms. Morris, however, does not find a job. She is scheduled to begin a work experience assignment (WEX). Unfortunately, she must wait a week for the assignment. She and the case manager decide she will complete a supervised Job Search during the week she is waiting. The week Ms. Morris completes Job Search is the 5th consecutive week of JBS (Job Search/Job Readiness). Because it is the 5th consecutive week and TANF regulations do not permit more than 4 consecutive weeks during a 12 month period, Ms. Morris's hours are not countable for that week.

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Example:

Two years ago, Maggie Vickers participated for 9 months in a vocational education (BEV) activity. She has now reapplied for TCA. Ms. Vickers and the case manager believe that 4 months in a different BEV activity will help her become re-employed. She will be countable for purposes of the participation rate for 3 of the 4 months she is in the BEV activity.

- C. Vocational education (BEV) activities are subject to a 12-month lifetime time limit for each participant.
- D. Travel time from home to a work site or classroom and back is not countable.

104.4 Holidays and excused absences

A. Holidays

The following ten designated holidays are allowable holidays for TCA:

- January 1, for New Years Day
- January 15**, Dr. Martin Luther King Jr's. Birthday
- The third Monday in February for President's Day;
- May 30**, for Memorial Day
- July 4, for Independence Day;
- The first Monday in September for Labor Day;
- November 11, for Veteran's day;
- The fourth Thursday in November, for Thanksgiving;
- The Friday following Thanksgiving;
- December 25, for Christmas;

**, unless the United States Congress designates another day for the observance of that holiday, in which case, the holiday is the day designated by the United States Congress.

B. Excused Absence

1. Local departments may develop policies regarding excused absences and creditable hours of participation similar to those in common personnel practices.
2. Examples of good cause activities include but are not limited to: sick time, doctor's visits or meetings at the child's school or other activities deemed appropriate by the case manager.

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3. In order for holiday and excused absence hours to count the customer must be scheduled to participate in the activity or activities on those days.
4. Absences should be scheduled in advance when possible.
5. Good cause absences are considered excused absences.
6. **Customers may not use more than 16 hours of excused absences** in a month and no more than 80 hours excused absences per federal fiscal year (October 1-September 30.)
7. Excused absence may also be used to cover some periods of time that a customer is in a program that extends past any time limits (such as Voc. Education or job Search or Job Readiness)
8. Customers not able to attend their work activities on specific days because the State work site is closed for a service reduction day should be coded with an excused absence in WORKS.

Example: The terrible winter weather in 2014 meant that State offices and many other facilities were closed part or all of specific days. Customers could not complete their work activities and maintain countable hours. In situations like this, use excused absence for up to 16 hours and good cause for the remaining missed hours. Customers cannot be penalized for problems beyond their control.

Example:

Customer has to go to her child's school for a meeting. She will be 3 hours late for her activity. This is a good cause absence. She has 3 hours of excused absence.

Note: For federal reporting purposes, an excused absence does not count in the WPR unless the excused absence hours make the customer countable for a month. However, for case management purposes, all excused hours, regardless of whether or not they made the customer countable, must appear on State reports.

8. Customers are excused from activity participation on days the placement site is closed for holidays or inclement weather. The hours are counted as if the customer participated.
9. Customers may not be excused for more than 16 hours when a placement site is closed. (Such as a college closing for spring break.)
10. For scheduled breaks lasting longer than 16 hours in a report month, the participant should be scheduled in a temporary activity so that he or she may generate countable hours during the break period.

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Example:

Estelle Brauer has medical documentation to support her incapacitation for 5 months. She is not exempt from participation in federally defined work activities. The case manager places her in the State defined activity OTM (disabled for less than 12 months). Because she is a mandatory TCA recipient, Ms. Brauer appears in both the UE and WP denominators. She is countable for the universal engagement rate. She is not countable for the federal work participation rate.

105 FEDERALLY DEFINED CORE WORK ACTIVITIES

105.1 Unsubsidized Employment (WEJ)

- A. WEJ is full- or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.
- B. Unsubsidized employment also includes active duty service in the armed forces, entry into a registered apprenticeship program or self-employment.

105.2 Subsidized Private Sector Employment (WSU)

- A. **WSU** includes full-time or part-time employment in any private-for-profit or private-non-profit sector job where the employer receives a subsidy from TCA or other public/government funds to offset some or all of the costs of employing a recipient. The term "subsidized" does not include tax credits to which the employer may be entitled for employing the person.
- B. Subsidized private sector employment includes:
 1. Grant Diversion, where part or the person's entire grant is diverted to reimburse the employer for some or all of the wages paid to the person.
 2. Work-study employment where local, state, or federal funds subsidize the individual's wages.
 3. Supported work programs for individuals with disabilities or other special circumstances.
 4. Employment contract is limited to 16 weeks.

105.3 Subsidized Public Sector Employment (WSP)

- **WSP** includes full-time or part-time employment in any public sector job where the employer receives a subsidy offsetting the person's wages with government funds, including work-study. An example of this type of activity is Grant Diversion, in which part or all of the person's grant is diverted to reimburse the

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employer for some or all of the wages paid to the person by a public sector employer.

- All subsidized employment is considered a paid internship or apprenticeship.
- Employment contract is limited to 16 weeks.

NOTE: Pay stubs or a wage form listing hours the customer worked can be used for verification for subsidized or unsubsidized employment and hours of employment.

105.4 Work Experience (WEX)

- A. **WEX** includes public or private sector work situations where the person has the opportunity to acquire the skills and knowledge necessary to perform a broad array of jobs, including learning about appropriate work habits and behaviors.
- B. WEX helps to improve the employability of individuals who cannot find unsubsidized employment.
- C. Placements are designed to prepare participants to obtain unsubsidized employment by helping them develop a current work history, establish employment references and develop and improve marketable skills.
- D. Prior to placement, potential work experience providers are evaluated to match the participant with a position that is related to the participant's employment goals and the needs of the work site supervisor.
- E. Examples of WEX placements are:
 1. Learning routine office skills in a work setting such as a school, church, or non-profit agency
 2. Learning specific work skills in a hospital setting.
- F. Typically, the person is not paid for participating in a work experience activity, although he or she may receive a needs-based payment to cover the incidental costs of participating.
- G. WEX is defined as a work activity.
 1. Some households are limited in the number of WEX hours that they can work due to the Fair Labor Standards Act (FLSA). WEX is subject to minimum wage requirements of \$7.25 per hour.

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2. Work Eligible Individual participating in a WEX assignment cannot be required to participate for more hours than the combined Temporary Cash Assistance (TCA) and Food Stamps (FS) grants divided by the State minimum wage.
3. Hours of participation are “deemed” to participants who are limited by FLSA and they are considered participating for the full 20 of the core activity hours for each week they participate for the number of hours allowed under FLSA.

105.5 On-the-Job Training (OJT)

- A. Training provided to a paid employee by a public or private sector employer. The training is productive work with the employer, and provides knowledge or skills essential to the full and adequate performance of the position into which he/she was hired. The employer pays the participant a training wage.
- B. When the activity otherwise meets the definition of OJT and when the participant is paid by the employer to attend them, this activity may include:
 - Internships
 - Practicum
 - Professional certification
 - Clinical training required by an academic or training institution
- C. As long as the program is designed to lead to unsubsidized employment, the activity meets the primary goal.

105.6 “J” CODED Work Activities and Needy State Status

- A. Participation in a job search and job readiness activity can count for a maximum of 120 hours (for a recipient with a child under age 6) or 180 hours (for all other work mandatory recipients) in a fiscal year with no more than four consecutive weeks being countable.
- B. In two instances this can be extended:
 - if a State has an unemployment rate at least 50 percent greater than the unemployment rate of the United States or
 - if the State meets the definition of a “needy State” under the Contingency Fund provisions of the federal law.
- C. A State qualifies as a “needy State,” based on its unemployment rate or on increases in its Food Supplement caseload. **Maryland qualifies as a “Needy State” because of the increase in the Food Supplement caseload.**
- D. TCA customers whose work activity falls under one of the “J” codes (JBM-Mental health Treatment, JBR-Rehabilitation Services, JBS-Job search and Job

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Readiness or JBT- Substance Abuse Treatment) **may have their hours of participation extended from 120 hours to 240 hours for an individual with a child under age 6 and from 180 to 360 hours for all others.**

- E. **Two able bodied parent households may have their hours of participation extended from 210 to 420.**

NOTE: The four consecutive week limitation still applies.

Examples: **Week starts on Monday.**

June is a five week month.

1. Customer participates in a “J” coded activity for 30 hours per week for the weeks of:

June 1, June 8, June 15, June 22 and June 29. The week of June 29 is the 5th week and the customer is not countable because she has used 4 consecutive weeks.

2. Customer participates in a “J” coded activity for 30 hours per week for the weeks of:

June 1, June 8, June 15, June 22. She does not participate in a “J” coded activity for the week of June 29. She does participate in a WEX activity for the week of June 29. The customer is countable.

July is a four week month.

The week of July 6, the customer goes back into her “J” coded activity for 30 hours per week. She participates 30 hours per week for the weeks of July 6, July 13 and 20. The week of July 27, the customer participates in a community service (WEM) activity for 30 hours per week. She is countable in all four weeks, but has only 3 consecutive weeks of “J” code activity.

August is a five week month.

The customer has been in her “J” code activity for 8 weeks (240 hours). It is determined that she needs additional time in the “J” code activity. In August, the customer participates 30 hours per week for the weeks of August 3, August 10, August 17, and August 24. She exhausts her 360 hours of countable “J” code activity. It is determined she needs one more week of “J” code activity to be work ready. The week of August 31, the customer participates for 30 hours. She has exceeded the allowable 360 hours and is not countable. It is in the customer’s best interest that she continues in the “J” code activity regardless of whether she **is** countable.

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Customer B

Customer is in a “J” code activity 20 hours per week (child under age 6) one week per month. She participates in a community service activity the other weeks. The customer can participate and be countable for 12 months per year (a total of 240 hours). She has no consecutive weeks of “j” code activity.

Customer C

June is a five week month. June 1, June 8, June 15, June 22 and June 29.

Customer is in a “J” code activity for 8 hours per week, 12 hours of WEX and 10 hours of BER. The week of June 29 is the 5th week and the customer is not countable because she used 4 consecutive weeks. Any hours used are countable against the 4 consecutive weeks.

July is a four week month and the customer may not be in a “J” code activity for the first week of July or she will not be countable because it would be the fifth consecutive week.

105.7 Job Search and Job Readiness Assistance (JBS)

- A. The definition of these codes includes a variety of activities aimed at assisting a TCA parent in locating unsubsidized employment. Assistance in the act of seeking or obtaining employment, including life skills training, and substance abuse treatment, mental health treatment, or rehabilitation activities for people.
- B. Job search and job readiness activities must have a direct connection to improving customer employability or finding employment.
- C. Travel time between job interviews when multiple interviews are scheduled on the same day is countable, but travel time to the first interview or travel time home after the last interview are not countable.
 - Estimated hours are not allowed. Only actual hours of travel may be counted.
- D. Participants in these activities do not count as engaged in work activities for more than 120 hours for a single custodial parent with a child under 6 and 180 hrs. for all other work eligibles, in a 12 month period year and no more than four consecutive weeks. **(See Section 105.6 “J” codes and extension of time limits)**
 - A countable week equals 20 hrs for a single custodial parent with a child under 6 and 30 hrs for all other work eligible households.

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- Any hours of participation in job search/job readiness during a 7-day period triggers a week for the 4-week limit.

E. Job Search also includes the following activities and codes:

- Substance Abuse Treatment **(JBT)**
- Mental Health Treatment **(JBM)**
- Rehabilitation Services **(JBR)**

F. **Job Search activities** include:

1. Instruction in effective strategies that can be used by individuals in seeking/obtaining their own jobs,
2. Making contact with potential employers,
3. Applying for vacancies,
4. Resume writing,
5. Interviewing skills,
6. Labor market information,
7. Telephone techniques,
8. Information on job openings, and job acquisition strategies, as well as the provision of office space and supplies for the job search.

G. **Job Readiness Assistance** includes:

1. Instruction in career exploration,
2. Instruction on basic work place expectations and behaviors.

Note: Substance Abuse Treatment (JBT) or other barrier removal activities can be considered to be a form of Job Readiness activities.

Although only work programs that involve preparing for and seeking work meet the definition of job search and job readiness, some substance abuse treatment activities should be reviewed to determine if they are countable as another activity. These activities may include housekeeping, preparing meals, or scheduling group activities. It does not matter whether the person is in residential treatment or outpatient if the other activities are performed.

H. **Substance Abuse Treatment, Mental Health Treatment and Rehabilitation Services activities (JBT)**

1. Such treatment or therapy must be determined to be necessary according to a qualified medical or mental health professional.
2. This is a treatment-oriented service to help individuals make the transition from welfare to work.

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3. If a portion of the activity more closely meets the definition of another work activity, then the hours associated with that activity may count under the appropriate work category
4. JBT includes all stages of substance abuse treatment including referral, waiting list, and treatment.
5. Treatment includes both residential and outpatient:
 - Detoxification,
 - Medical or mental health treatment,
 - Therapy, counseling, and other services to address mental, physical or emotional disorders that can interfere with an individual's ability to work or look for work.

Note: A recipient's participation in job search/job readiness (JBS) counts, for WPR purposes, for a maximum of four consecutive weeks and for a total of 120 hours in any 12 month period for a single custodial parent with a child under six or 180 hours for all other families.

Individuals participating in substance abuse treatment beyond four consecutive weeks and for more than a total of 120 or 180 hours should remain in JBT (now coded OBT) for the purposes of being countable toward the universal engagement rate. They, however, will not be countable toward the federal WPR during the 12 month period.

See page 26 for revised and additional information on extended hours

105.8 Community Service Programs (WEM)

- A. **WEM** includes two key elements: it must be a structured activity that provides a direct benefit to the community (public or non-profit organizations).
- B. Community service activities must be limited to activities that that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural development, welfare, recreation, public facilities, public safety and child care.
 - Design community service programs to improve the employability of recipients who may not otherwise able to obtain unsubsidized employment.

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- C. Self-initiated activities are included in WEM. Include a description of how self-initiated WEM provides direct community service and improves the recipient's employability in the case narrative.
- D. The principle difference between work experience and community service is that the community service activity must serve a useful community purpose.
- E. Some community service activities are subject to the requirements of the FLSA

Example:

A TCA recipient develops a WEM opportunity at her church. The case manager, employment specialist or vendor representative needs to know the direct community service the program provides. The recipient provides a letter from the pastor that she will cook and deliver meals to shut-in and ill parishioners five days per week under his supervision. This level of structure meets the direct community service requirement. After a discussion with the recipient, the LDSS staff or vendor decides that the activity improves the employability of the recipient as it is a tangible work-like assignment that can be added to a resume and her performance of duties creates a work habit profile of punctuality, customer service skills, making deliveries timely and representing an institution to the public.

- E. **Supervision:** A responsible person has daily responsibility for oversight of the individual's participation but may not have daily in-person contact.

105.9 Child Care for an individual participating in a community service program (WEC)

- A. Providing childcare to enable another TCA recipient to participate in a community service activity.
- B. WEC is used only when an individual cannot be placed in another activity.
- C. The activity must be structured and designed to improve the employability of the individual who completes the WEC activity.
- D. One parent in a two parent family may not participate in WEC so the other parent can participate in a community service activity.
 - Providing care for the individual does not help prepare the parent providing the care for employment.
 - There is no supervision involved in the activity if the individual is providing care for his or her own children.
 - Hours may not be projected for this activity.

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105.10 Vocational Education (BEV)

B. BEV includes organized educational programs related to preparing the individual for employment in current or emerging occupations. BEV is now considered a career and technical education activity.

- Any vocational activities that do not meet this definition may meet the definition of another activity such as job search and job readiness or job skills training directly related to employment.

B. An educational organization (e.g. Vocational-Technical School, Community College, or proprietary school) must provide the training.

C. Post secondary education leading to an advanced degree may be counted as Vocational Education.

Note: Do not place a teen head of household who does not have a GED or is not a high school graduate in a BEV activity. Place the teen HOH in BED or BER.

- Time sheets or activity logs that report hours of participation for every day of every week in each month are acceptable.
- Actual hours spent in class as well as time spent performing clinical requirements, lab work, fieldwork and student teaching that are required for approved vocational educational training programs are considered to be a part of the primary activity for which they are required and are countable.

D. Vocational Education cannot be counted for more than 52 weeks during a customer's lifetime.

E. If as little as one hour of BEV used, it counts as a week of the 52-week limit during a customer's lifetime.

F. For federal reporting purposes, FIA will not count any BEV hours unless the BEV hours help make the customer countable for the month.

G. For case management purposes, all BEV/OEV hours must appear on State reports.

H. If the BEV code is used and the customer does not need the hours to be countable for the month, WORKS will change the BEV code to a companion SDA code (OEV).

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- Case record paper documentation may not show the same codes. End of month files must be reviewed to prevent audit issues.
- I. The case manager should evaluate any program a customer is enrolled in to determine whether the program meets the definition of a BEV program. By carefully structuring participation, activities may be countable under several different work activities.

Examples:

1. Customer is in a construction trade vocational school that lasts 18 months. The customer is only countable in BEV for 12 months and has never been in a BEV coded activity before. The customer is gaining skills that enable him or her to become employed when the program is completed.

Customer is in a Certified Nursing Assistant (CNA) training program that lasts 18 months. The customer is only countable in BEV for 12 months and has never been in a BEV coded activity before.

The customers in the above scenario are gaining skills that enable him or her to become employed when the program is completed. They should remain in the programs.

2. To become a licensed practical nurse usually takes at least two years. The training usually involves a combination of classroom instruction and clinical activities.
 - Clinical training in a hospital or other setting could count as work experience or community service.
 - If the student gets paid the activity could be considered on the job training or unsubsidized employment.

- J. **Review the customer's activity options** and try to "Save" the customer's BEV hours for those activities that do not count as any other activity:

- If the decision is to use the BEV , the hours spent in basic and remedial education, as well as English as a Second Language (ESL) do not count as BEV unless the following conditions are met:
- There must be a need. The results of the individual's initial assessment are used to determine the need for basic and remedial education or ESL.
- The basic and remedial education or ESL education must be embedded in an activity that meets the definition of BEV and it must clearly state in the FIP plan, vendor contract or participant independence plan that the classes are needed to meet the goals and

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- There must be an explicit statement of the number of hours per week and the number of weeks the program lasts.

106 FEDERALLY DEFINED NON-CORE WORK ACTIVITIES

106.1 Satisfactory Attendance at a Secondary School or GED program (BED)

- A. BED includes educational instruction provided by a secondary school or an alternative educational program leading to a high school diploma or high school equivalency (e.g., GED)
- B. Countable hours of participation
 1. The number of hours verified as spent in BED is the number of hours countable for the activity.
 2. Hours are only countable toward the WPR after the person has participated for 20 hours per week in one of the core work activities (activity categories numbered 1 through 9 above).
 3. Teen heads of household (HOH) or teen spouses in this activity are considered to be meeting the work requirement regardless of how many hours per week they participated and without first participating in a core work activity, as long as they attend school 80% of the time.
 4. Time spent on unsupervised homework assignments counts for up to one hour of home work time for each hour of class time.
 5. Actual hours spent in class as well as time spent performing clinical requirements, lab work, fieldwork and student teaching that are required for approved BED programs may be considered to be a part of the primary activity for which they are required and are countable under that category or may be reviewed to determine eligibility for another category.
 6. BED may not include activities such as adult basic education or language instruction unless they are linked to attending a secondary school or obtaining a GED.
- C. Verification
 1. Documentation for BED and other unpaid work activities must reflect the actual hours of attendance for each week in the reporting period.

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2. For in-school, teen parent heads of households, the school will provide documentation (report card) at the end of each term to verify student/participant full time attendance.
3. Documentation could include, but is not limited to, report cards, time sheets, service provider attendance records, or activity logs on a biweekly or monthly basis or a signed and dated statement from the BED site supervisor. For high school, whatever documentation we can obtain from the school will be sufficient to meet this requirement.
4. Documentation must verify the other component of progress, attendance. Participants must participate 80% of the scheduled days.

D. Supervision

1. Daily supervision of an unpaid work activity consists of a responsible party who is aware of the participant's daily activities. Daily supervision does not necessarily mean daily in person contact.
2. Faculty, instructors, instructional aides, lab supervisors, study hall supervisors, and supervisors of work-based learning activities provide daily supervision for the hours of education.
3. The responsible party must sign documentation related to attendance; the participant's statement is not acceptable. The exception to this is for teen parents, who are supervised in the classroom by educators.

106.2 Education Directly Related to Employment (BER)

- A. BER includes education related to a specific occupation, job or job offer. This includes:
 1. Courses designed to provide the knowledge and skills for specific work settings
 2. Adult basic education or ESL, and for activities that prepare participants for employment requiring a high school education
 3. Immigrants may have the equivalent of a high school diploma from their native country but the diploma is not comparable with an American high school diploma or can not be verified to be comparable.
 - Determine on a case by case basis whether an immigrant should participate in this activity.
 4. GED class

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5. Education related to a specific occupation, job or job offer

B. **Important Note:** Individuals in a **BER** activity **must not have received** a high school diploma or a GED.

C. Hours spent by a person in this type of activity are only countable toward the WPR after the person has participated for 20 hours per week in one of the core work activities (activity categories numbered 1 through 9 above).

D. Teen HOH or teen spouses who participate in this activity are considered countable participants, without first having participated in a core work activity.

E. Countable hours of participation

1. The number of hours verified as spent in BER is the number of hours countable for the activity.
2. BER includes monitored and documented study sessions. Actual hours spent in class as well as time spent performing clinical requirements, lab work fieldwork, student teaching that are required for approved BER programs are considered to be a part of the primary activity for which they are required and are countable.
 - Review the curriculum with the student to determine if all of the hours are actually BER hours or can the hours be considered WEX, WEM or OJT hours.
3. Time spent on unsupervised homework assignments count for up to one hour of home work time for each hour of class time.

F. Verification

1. Documentation for BER and other unpaid work activities must reflect the actual hours of attendance for each day of each week in the reporting period.
2. Documentation could include, but is not limited to, time sheets, service provider attendance records on a biweekly or monthly basis or a signed and dated statement from the BER site supervisor.
3. A responsible party who may sign the documentation includes faculty, instructors, instructional aides, lab supervisors, study hall supervisors, and supervisors of work-based learning activities.

G. Supervision

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1. Daily supervision of an unpaid work activity consists of a responsible party who is aware of the participant's daily activities but may not have daily in person contact.
2. The responsible party must sign documentation related to attendance; the participant's statement is not acceptable.
3. The local department case manager provides overall supervision and monitoring of participant progress and compliance.

106.3 Job Skills Training Directly Related to Employment (IST)

- A. IST includes, training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the work place.
- B. Job skills training directly related to employment must be supervised daily.
- C. IST may include literacy or language instruction when the instruction is explicitly focused on skills needed for employment or combined in a unified whole with the job training.
- D. Countable hours of participation
 1. Hours spent by a person in this type of activity are only countable toward the WPR after the person has participated for 20 hours per week in one of the core work activities (activity categories numbered 1 through 9 above).
 - As with other programs, review the skills training requirements to determine if portion of the training can be considered a countable activity in another category.
 - Job skills sometimes require activities that could be determined to meet the definition of WEX or OJT.
 2. The number of hours verified as spent in IST is the number of hours countable for the activity.
 3. IST includes monitored and documented study sessions. Time spent on unsupervised homework assignments is countable up to one hour for each hour of class time.
- E. Verification
 1. Documentation for IST and other unpaid work activities must reflect the actual hours of attendance for each week in the reporting period. IST providers and program participants report actual hours of participation on time sheets or

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activity logs that report hours of participation for every day of every week in each month.

2. Documentation could include, but is not limited to, time sheets, service provider attendance records on a biweekly or monthly basis or a signed and dated statement from the IST site supervisor.

F. Supervision

1. Daily supervision of an unpaid work activity consists of a responsible party who is aware of the participant's daily activities.
2. A responsible party who may sign the documentation includes faculty, instructors, instructional aides, lab supervisors, study hall supervisors, and supervisors of work-based learning activities.
3. The responsible party must sign documentation related to attendance; the participant's statement is not acceptable.
4. The local department case manager provides overall supervision and monitoring of participant progress and compliance.

107 VERIFICATION OF WORK ACTIVITIES – IN GENERAL

- A. Participants in work activities or Employment and Training service providers must submit periodic (weekly, bi-weekly or monthly) verification of hourly attendance for each work activity.

1. Accept attendance verification on:
 - a. Locally designed attendance tracking forms,
 - b. Employer letterhead or pay stubs,
 - c. Service provider letterhead or forms, or
 - d. The DHR 1391-A (Time and Attendance form).
2. The **documentation must clearly support the hours entered** on the **WORKS attendance screen** that indicates the customer is engaged in the assigned work activities for the month.
 - **WORKS does not verify information. It only holds the information that has been data entered. What is in WORKS must be verified and must match the documentation in the case record.**

- B. For customers engaged in **federally defined** work activities:

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1. The LDSS must make a “reasonable effort” to obtain written documentation.
2. “Reasonable effort” means the LDSS or their vendors attempted to obtain written evidence from a “reliable source” that the customer actually participated for the number of hours of attendance recorded in WORKS.
3. “Reliable source” means someone other than the customer or his/her immediate family whom the local department believes to be truthful.
4. If documentation of the customer’s attendance in the work activity is not available and attempts to verify the attendance in other ways cannot clearly demonstrate that the customer participated in the activity that month, **do not enter any attendance in WORKS.**

Example:

Ms. Rogers has been assigned to the local community college for vocational education and work experience. She is required to participate in 20 hours of classroom instruction each week and 20 hours of work experience. As part of their contract with DSS, the community college keeps records of attendance for the classroom instruction and has sign-in sheets for the work experience activity. Each month the community college provides those documents to the local department. A copy of the records for Ms. Rogers is maintained in her file by the community college, local department, or both.

Example:

Mrs. Baxter is needed in the home to care for her disabled husband. The local department has a current DHR/FIA 500 medical for the husband and a statement from his doctor that Mrs. Baxter is needed in the home to care for him. Mrs. Baxter provides a signed and dated monthly statement that indicates the hours spent providing care to Mr. Baxter during the month.

C. For customers engaged in State defined work activities:

1. The LDSS must make a “reasonable effort” to obtain written documentation.
2. The term “reasonable effort” means that the LDSS or their vendors attempted to obtain written evidence from the customer or other knowledgeable person that the customer participated in the designated state defined activity, consistent with their Family Independence Plan, in the month.

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3. The documentation must clearly indicate that the customer was engaged in an activity: otherwise,
4. Follow appropriate conciliation and sanction procedures.

Example:

Ms. Jones has a torn Achilles tendon and provided a **DHR/FIA 500** medical statement showing the length of her disability to be less than 12 months. The LDSS determines that Ms. Jones is in compliance with her Family Independence Plan for the specified time period by receiving necessary medical treatment. Ms. Jones submits a signed and dated monthly statement indicating that she is attending her scheduled doctor appointments, going to physical therapy and taking her medications. For universal engagement purposes Ms. Jones is coded in wellness rehabilitation. (OTM/OTD)

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108 GUIDELINES ON ACCEPTABLE VERIFICATION

Level of Acceptability	Source of Documentation	Examples of Documentation
<u>Preferred</u>	Reliable person who supervises or oversees the activities of the customer.	<u>Signed statement of attendance</u> from employer/supervisor; pay stubs; daily/weekly attendance sheets that are signed by both the customer and a supervisor. A copy of the signed and dated conciliation letter for customers in an OTC WORKS activity code. WORK NUMBER screens showing pay and # of hours worked.
<u>Acceptable</u>	<p>Reliable person who has knowledge of the customer's attendance, excluding family members.</p> <p>Customer's word or statement for activities in which supervision of the customer's attendance is not possible.</p>	Signed and dated written summaries of a conversation between a staff member and the supervisor of the customer's activities, or other reliable person ; signed and dated statement from customer for individual Job Search or other activities in which the customer is not being directly supervised . WORK NUMBER screens showing pay and # of hours worked.
<u>Not Acceptable</u>	Customer's word or statements from members of the customer's family (except for individual Job Search or other activities in which supervision of the customer's attendance is not possible).	Copies of the WORKS Attendance Screen, unsigned documents and documents that are undated or dated for periods other than the report period.

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108.1 Attendance

- A. At least monthly, the LDSS must enter work activity and attendance information into WORKS for every customer engaged in one or more of the federally defined activities. Attendance data must be recorded in WORKS **no later than the last day of the following month.**
- B. Attendance documentation must reflect actual daily attendance for each week in the month, except for unsubsidized employment where weekly or bi-weekly pay stubs showing total hours worked are acceptable.
- C. The weeks in the month begin with the first Monday in the month and include all Mondays in that month.
- D. **Example:** June 2014 includes five weeks with the first week (the first Monday) beginning on June 2 and the last week beginning on June 30th and ending on July 4rd.
- E. Participants in work programs are to be credited with hours of attendance equal to the normal daily maximum hours for the program for days in which the service provider or employer is closed:
 - Due to a holiday, inclement weather, or
 - For days the participant is engaged in jury duty.
- F. Participants engaged in programs through a community college or other educational institution cannot be given credit for attendance during any breaks (e.g. Spring Break) or any period lasting more than 2 days in a week.
- G. Participants engaged in Vocational Education, Secondary Education/GED or Education, directly related to employment, may be given credit for hours of participation in classroom activities. Homework credit may be given for up to one hour of homework time for each hour of class time according to the standards set by the educational institution.

Example: A college states that the “rule of thumb” is 1 hour of homework for each hour of class time. Allow the customer 1 hour of homework time per hour of class time.

- H. Attendance information is captured on the WORKS Attendance Screen.
 - Enter the customer’s social security number on the Customer’s Search Page and press enter or click the Search Customer button. The Search Results Page displays basic information on the customer.

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- Once you select the appropriate program i.e. TCA, TCA Diverted, Food Supplement Program, NPEP, the left navigation bar expands.
- Select Attendance from the left navigation bar and the Attendance Screen will open and display activity codes with the service providers.
- Enter the actual attendance hours for each activity, for each week based on the documentation.
- Totals will automatically display at the bottom of each column for each week and monthly totals are displayed to the right.
- After entering all attendance information, press the submit button and you will see Database Update Successful.
- Select another function from the left navigation bar to leave the Attendance Screen and continue working in WORKS or log out.
- Run the WORKS Missing Attendance Report to identify customers recorded in WORKS, as engaged, but for whom there has been no attendance entered for the report period.
 - This is a helpful management tool that will assist local departments in meeting the data entry requirement.

109 FAIR LABOR STANDARDS ACT (FLSA)

109.1 Determining if the Work Program is Employment or Training.

Local departments should review each of their work programs to determine whether the program is employment or training and ensure the program meets the requirements associated with each. The key in determining whether a placement meets the definition of employment, rather than training, is **who benefits the most from the placement (refer to the activity review sheet in the appendix.)** FLSA is based on hours per week. Participants may not exceed the FLSA hours allowed per week.

A. When the employer benefits more than the customer:

1. The activity is considered employment, and
2. FLSA minimum wage provisions apply.

B. When the customer benefits more than the employer:

1. The placement is considered to be training, and

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2. FLSA provisions do not apply, and

3. Placement in such activities is limited to a period of 90 days or less.

C. **Bona fide trainee and internship placements** are not subject to FLSA. A trainee or intern is not considered an employee if all the following factors are met:

1. The training offered is similar to that provided in a vocational school, although training may include operations of the employer's facility.

2. Training is for the benefit of the trainee or intern.

3. The trainee or intern does not displace regular employees, and works under close observation.

4. The trainee or intern's activities provide no immediate advantage to the employer and may actually hinder operations.

5. Trainees or interns are not necessarily entitled to a job upon completion of the trainee or internship assignment.

6. Both the employer and the trainee or intern understands that the trainee or intern is not entitled to wages for the time spent as a trainee or intern.

7. The length of time a trainee or intern can stay in any particular assignment is limited to a period of 90 days or less.

D. All placements that do not meet the federal definition of training are considered employment and FLSA minimum wage standards apply.

1. An example is Work Experience (WEX)

a. The participant receives knowledge and skills in an actual work setting.

b. The employer receives more of a benefit because he receives the customer's labor.

c. Since the employer receives more benefit, the participant is considered to be working and federal Fair Labor Standards Act (FLSA) requirements apply.

d. The monthly combined TCA and FS grant for the household must equal or exceed the monthly federal minimum wage.

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2. Work placements are not time limited. DHR suggests a review of these assignments every six months to ensure the participant is making satisfactory progress towards self-sufficiency and have not become a fill in work force for the employer.

E. Local department autonomy in designing employability strategies has created activities variously described as trainee or internship programs.

1. Each local department must ensure that their trainee and/or internship programs meet the federal definition of training.
2. Local departments must limit the length of these programs to 90 days or less.
3. At the end of the 90-day period, the trainee or intern must be reassigned if the placement is to continue as training.
4. This subsequent assignment may include another position at the same employer.

Example: Mary Green is a trainee at a local hospital in the medical records department. Her 90-day assignment is now ending. Both Mary and her case manager believe that while it has been a beneficial placement she still requires additional training. The hospital has another trainee position in one of the clinics. Mary could be referred to this second placement in the hospital because it is not the same job and offers additional training in a different department. (Conversely, extending Mary's assignment in the medical records department past 90 days would be considered employment and FLSA rules would then apply).

109.2 FLSA Minimum Wage Provision

- FLSA does **not** mean that the employer must pay the customer a salary since the TCA and Food Supplement Program (FSP) benefits a family receives counts towards the minimum wage requirement. In many instances, the combined monthly TCA and FSP amount meets or exceeds the monthly minimum wage used in assigning actual work hours. Local departments must complete a minimum wage calculation for all customers assigned to Work Experience. (Refer to the calculation sheet in the appendix.)

Examples.

The first example uses 30 hour per week activities to determine if FLSA standards are met. Regardless of the number of hours in the activity, the calculation must be completed to determine if the combined TCA and FSP grant equals or exceed the Monthly Minimum Wage.

30 hrs. per week x \$7.25 hourly minimum wage = \$217.50 per week

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$\$217.50 \times 4.3 = \935 (drop the cents) (monthly minimum wage)

Customers whose TCA and FSP do not equal \$935 per month may not be assigned a WEX or Community Service activity that is considered work for 30 hrs.

To determine the number of hours a customer may participate in an activity considered work divide the total of the TCA and FSP by the minimum wage. A customer may work that monthly total. Divide that amount by 4.3 to obtain the weekly number of hours.

Example 1: A single parent with 2 children under six years old: The parent is engaged in a placement that meets the definition of employment for 24 hours per week and in job skills training (IST) for 16 hours per week. Monthly combined TCA (\$549.00) and Food Stamps (\$408.00) is \$957.00.

$\$957 / \$7.25 = 132$ hours per month
 $146 / 4.3 = 30$ hours per week

The placement for the above customer meets FLSA requirements.

Example 2: A single parent with one child under six. The parent is engaged in a placement that meets the definition of work. She is in the activity 20 hours per week. Her TCA grant is \$276.00 because she receives Social Security (survivor's benefit) of \$100. Food Stamps are \$259.00 per month. The customer's combined TCA and FS amount is \$535 per month.

$\$535 \text{ (TCA + FSP)} / \$7.25 = 73$ hrs. per month
 $73 \text{ hrs} / 4.3 = 16$ hrs per week.

The customer can not be assigned in an activity classified as work for more than 16 hours per week.

110 SUBSTANCE ABUSE

110.1 Overview of substance abuse activity requirements

- A. Certified addictions specialists must be on site in all LDSS to conduct substance abuse screening, conduct or refer for customer assessment, refer drug felons for testing, refer for treatment, and provide information case managers need to determine eligibility for benefits.
- B. Substance abuse treatment providers are required to report information concerning TCA customers directly to addictions specialist.
- C. When a TCA customer is referred, on a waiting list or enrolled and actively participating in a substance abuse treatment program, the treatment may be considered a federally defined work activity for a maximum of four consecutive

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weeks and for a total of six weeks in any federal fiscal year. The appropriate activity code to use when documenting this activity is **Substance Abuse Treatment (JBT)**.

- D. If the recipient fails to cooperate in the treatment program (as defined by the Alcohol and Drug Abuse Administration), **only an individual sanction may be imposed**.
- E. When an individual sanction is imposed for substance abuse, the customer loses the good cause for non-cooperation with work requirements. When the customer is referred to Family Services and cooperates with Family Services, he or she is meeting the work requirement, however the customer is still not in compliance with substance abuse requirements.
- F. Failure to cooperate with Family Services will require the customer to participate in federally defined work activities other than JBT. Failure to participate in work activities results in a full family sanction.

110.2 The Addictions Specialist:

- A. Is the liaison between the Family Investment Program (FIP) case manager and the substance abuse treatment provider for TCA customers referred to treatment.
- B. Maintains ongoing contact with treatment providers who are required to report certain information concerning the treatment status of TCA recipients.
- C. Reports information needed to determine eligibility to the FIP case manager concerning the customer's compliance with substance abuse requirements and treatment protocols.
- D. Makes referral for supportive services for customers who screen positive or self identify for substance abuse.
- E. Provides monthly reports to the Family Investment Administration (FIA) and the Alcohol and Drug Abuse Administration (ADAA) on TCA substance abuse treatment activity.

110.3 Referral to Addictions Specialist for screening/signature requirement

- A. The FIP case manager:
 - 1. Informs all TCA adults and minor parent applicants/recipients and all TCA custodial parents convicted of a drug related felony about the **FIP Substance Abuse Treatment and Services (SATS)** requirements and the sanctions imposed for failure to comply with screening and treatment.

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2. After the application interview, refers the applicant or recipient to the on-site addictions specialist for screening using the **Screening Referral (DHR/FIA 1177)** form.

- ♦ Completes the top portion of the form, providing as much demographic information as possible and forwards to the addictions specialist.

- B. The addictions specialist returns the 1177 to the FIP case manager, within 10 working days of the referral date, indicating the individual's compliance with signature requirements, screening and/or assessment referral.

- C. The FIP case manager:

1. Reviews the information on the 1177 returned by the addictions specialist.
2. Processes the TCA application or recertification within appropriate time frames.
3. Uses appropriate CARES coding (see CARES Procedures) and
4. Certifies the case for 12 months, if all TCA eligibility requirements are met.

110.4 Redetermination or Interim Change

- A. Only recipients who self identify or are identified by the case manager as needing substance abuse services are referred to the addictions specialist.
- B. Whenever an adult is added to the assistance unit or a minor in the unit becomes a parent, refer the individual to the addictions specialist for signature requirements, screening and assessment.

110.5 Screening and referral for assessment

- A. Upon receipt of the 1177, the addictions specialist:
 1. Interviews the individual,
 2. Secures the individual's signature on the **Consent For the Release of Confidential Alcohol and Drug Treatment Information (DHR/FIA 1176)** when the substance abuse screen is positive, and
 3. Screens the TCA adult or minor parent applicant or recipient for substance abuse using instruments approved by the addiction's agency.
 4. Notifies the FIP case manager using the middle section of the 1177 about:

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- a. The results of the substance abuse screening and referral for assessment, or if
 - b. The TCA adult or minor parent / custodial parent convicted of a drug related felony fails to sign the 1176, or
 - c. Fails to complete the screening or assessment,
 - d. Referral for drug testing
- B. All adult and minor parents FIP applicants/recipients **who screen positive** are required to sign the 1176 consent form authorizing the release of confidential information.
- C. The addictions specialist secures the TCA adult or minor parent's signature on the 1176.
1. The addictions specialist gives the pink copy of the 1176 and 1177 to the FIP case manager to be retained in the permanent section of the TCA case record and retains the white copies of both forms in the addictions specialist's case file for the customer.
 2. If necessary, the addictions specialist forwards a copy of the 1176 to an assessor and
 3. When appropriate, to treatment providers.
- D. If the substance abuse screen is negative (#3 on 1177):
1. No further action concerning substance abuse treatment is required by the addictions specialist or the FIP case manager.
 2. Process the TCA application or recertification using appropriate CARES coding (see CARES Procedures).

110.6 Compliance

When the case manager receives an 1177 or 1178 from the addictions specialist, the case manager must review the information to determine if the customer is in compliance with FIP substance abuse treatment requirements.

- A. The 1177 indicate whether the individual has complied with the substance abuse signature and screening requirements.
- B. An individual is in compliance if he or she completes the substance abuse screen and signs the 1176 **when screened positive**, regardless of the results of the screen (#3, 5, 6, 7, and 9).

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C. The individual is not in compliance if the 1177 indicates he or she:

1. Screened positive and failed or refused to sign 1176 (#4), or
2. Failed or refused to appear for screening or assessment (#1, 2 and 8), or
3. If a custodial parent convicted of a drug related felony fails to complete the drug test (#13).

D. The 1178 indicates that the individual:

1. Screened positive for substance abuse,
2. Was referred for a comprehensive assessment, drug testing, and/or treatment services, and
3. Provides ongoing information concerning the individual's compliance with the recommended treatment protocol.
4. If the individual is in compliance, eligibility for TCA is continued as long as the individual meets other TCA eligibility requirements.
5. The addictions specialist gives the pink copy of the 1178 to the case manager with the assessor/treatment provider's findings.

E. The individual is considered in compliance if the 1178 indicates that the:

1. Results of the comprehensive assessment indicate no need for treatment,
2. Individual is awaiting availability of a treatment vacancy,
3. Individual is enrolled in a treatment program,
4. Individual has successfully completed the treatment program, or
5. Individual was referred to a new program.

F. The individual is considered not in compliance if the 1178 indicates that he or she:

1. Failed to keep appointment for comprehensive assessment, treatment referral, drug test or enrollment,
2. Is not maintaining active attendance/participation, or

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3. Was discharged from a treatment program for non-compliance.

G. If the customer's substance abuse screen is positive or the customer acknowledges a substance abuse problem:

1. The addictions specialist also requests a copy of the customer's Family Independence Plan from the case manager.
2. This becomes a permanent part of the addictions specialist's record.

110.7 Work Requirements

- A. TCA customers who participate in substance abuse treatment programs are, potentially countable in the monthly calculation of the federal work participation rate.
- B. To be countable for a particular month, the customer must:
 1. Attend treatment as required.
 2. Attend as the only activity for the required number of hours (20 hours per week if they have a child under 6) or in combination with other federally defined work activities for the required number of hours per week.
- C. State regulations cite participation in a residential treatment program as potentially being "Good Cause" for not participating in other federally defined work activities.
- D. Individuals receiving substance abuse treatment on an outpatient basis may, and often should, participate in federally defined work activities other than JBT. The addictions specialist, after consultation with the treatment provider, notifies the TCA case manager regarding an individual's ability to participate in other federally defined work activities.
- E. The addictions specialist, after consultation with the treatment provider, advises the case manager when the addictions specialist believes the customer is able to work or participate in job readiness/training/ education.
- F. After the consultation with the addictions specialist the case manager makes the final decision on referring the customer to a work activity.
- G. Many substance abusers have secondary medical conditions including but not limited to: mental health issues, hepatitis, and HIV. Follow up to see if the customer should be granted good cause or an exemption because of a medical condition or if the customer is disabled 12 months or more.

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- Code CARES and WORKS appropriately based on the good cause or exemption status allowed by the underlying medical condition and not the substance abuse. Save the limited JBT hours or include them if needed to make the customer countable.
- H. The addictions specialist and the FIP case manager work together with the customer to ensure that the individual's Independence Plan is consistent with the recommended substance abuse treatment plan.
- I. Participating in substance abuse treatment is countable as a federally defined work activity for the purposes of work participation for no more than four consecutive weeks or a total 120 hours during each federal fiscal year.
- Participating in substance abuse treatment is countable as a State defined activity (OBT) for the purposes of Universal Engagement. There is no time limit on the length of OBT participation.
- J. When the 1177 indicates the individual screened positive, acknowledged a substance abuse problem, or is currently in treatment at application, the case manager does not refer the customer for up-front job search or work readiness activities. The addictions specialist, after consultation with the treatment provider, will advise the case manager via the 1178 of the individuals' ability to work and whether he or she can participate in work readiness activities.
- After the consultation with the addictions specialist the case manager makes the final decision on referring the customer to job readiness activities.
- K. When a treatment provider indicates an individual is not able to work or has not assessed the individual's job readiness, and the individual fails to comply with substance abuse treatment requirements, follow the established substance abuse conciliation and sanction procedures.
- Register the customer in treatment for substance abuse in WORKS as **JBT**.
 - Register a customer who has been referred for treatment and is beyond their 4 consecutive or 6 total weeks in WORKS as **OTS**.

110.8 Supportive Services

- A. When there is a positive assessment for substance abuse, the addictions specialist makes referrals:
1. For supportive services needed to enter treatment such as, transportation, childcare, or other wraparound services.
 2. To the Family Services unit if the customer is non-compliant.

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- B. The addictions specialist indicates on the referral that the customer has a substance abuse problem and may need preventive services and interventions for the difficulties intrinsic to families of substance abusers.
- C. The addictions specialist or the case manager notifies the Family Services unit when the customer fails to comply with treatment.

110.9 Social Services Referrals

- A. Referrals to Family Services are initiated by the addictions specialist or the case manager via the DHR/FIA 461 "Referral for Services" form when:
 - 1. The substance abuse screen is positive
 - 2. The case manager has begun the conciliation process or has sanctioned the recipient for non-compliance with SATS requirements, or
 - 3. The family requests Family Service s intervention.
- B. The addictions specialist or the case manager completes Section I and II of the DHR/FIA 461 indicating:
 - 1. Case information
 - 2. Who is being referred
 - 3. The reason for the referral (In comments section#11, indicate the customer is being referred because they are in need of substance abuse treatment.)
- C. FIA case manager or the addictions specialist:
 - 1. Maintains a copy of the DHR/FIA 461 in their case record when referring the customer for Family Services.
 - 2. Does not refer the individual to work activities if the sanctioned individual accepts Family Services intervention
 - 3. Refers the individual to the appropriate work program or work activity if the sanctioned individual does not accept the referral to Family Services, and
 - 4. Follows procedures for notification, conciliation, and full family sanction for failure to meet work requirements if the individual fails to comply with the work referral or work activity.
- D. The Child Welfare Screener completes Section III of the DHR/FIA 461 indicating
 - 1. Whether the customer has an active Child Welfare or Family Services case.
 - 2. Forwards a copy of the DHR/FIA 461 to the appropriate Child Welfare case manager if the individual has an active services case.

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3. Follows existing LDSS procedures to coordinate a team meeting between the customer, FIA, Child Welfare and the addictions specialist to develop goals for the Independence Plan.
4. Forwards the DHR/FIA 461 to the Child Welfare Voluntary Services component, Family Services Intake unit for review and disposition if the individual does not have an active services case.
5. Returns the DHR/FIA 461 to the FIA case manager or the addictions specialist within 10 days of the referral.

110.10 Employment

- A. When the FIA case manager has information that a customer who is currently in or has completed substance abuse treatment has become employed , the case manager :
 1. Notifies the addictions specialist of the individual's employment via the #1177 in block 11 indicating:
 - Date employment began
 - Name of employer
 - Address of employer
 2. Retains the pink copy of the #1177 in the case record
- B. When employment information is reported to the addictions specialist he or she:
 1. Reminds the customer that he or she is required to notify the FIA case manager of the employment
 2. Reminds the individual about personal responsibility and about the benefits of reporting:
 - Employment must be reported within 10 days of the first paycheck
 - The 60 month clock stops when the individual is employed
 3. Notes employment information in the SATS case record if the customer is still active with SATS
 4. Records the number of customers who are in treatment or who have completed treatment and are employed on the ADAA/FIA SATS report.

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110.11 Non-Compliance with substance abuse policy requirements

A. When an applicant is non-compliant:

1. If the individual is an adult or minor parent who is head of household, deny the TCA application.
2. If two parents are in the household and one or both parents fails to comply, deny the TCA application.
3. If the individual is a minor parent who is not the head of household, process the application, but do not include the minor parent's needs in the TCA assistance unit. Include the minor parent's child.

B. Procedures for Processing Non-Compliant Individuals Being Added to TCA Assistance Units

1. Individuals being added to TCA assistance units at interim change or recertification are to be treated as **applicants** and are not subject to sanctioning procedures since they have not received cash benefits. This provision remains consistent with substance abuse regulations governing TCA eligibility requirements at application.
2. Any mandatory applicant being added to a TCA household who refuses to comply with the substance abuse treatment and services (SATS) requirements; completing the screening requirement, signing the 1176 when the substance abuse screen is positive, or completing the drug-testing component, is ineligible for TCA and will be **denied**.
 - To calculate the earned income of an ineligible parent use either TCA Calculation Worksheet (DHR FIA 428) form to determine the countable net income. Make sure that you allow all disregards and the case record must include the calculation work sheet.
3. Count the unearned income of the ineligible parent, as it is actually received.
4. Follow these steps to calculate the countable net income amount when the ineligible parent has earnings:
 - Apply the 20% disregard (initial needs test) that is applied to all new applicants with earned income , allowing all disregards
 - Apply the 40% gross income test when the customer passes the initial needs test.

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EXAMPLE 1:

Carrie is a 17-year-old, applying for TCA for herself and her one-year-old son. She lives with a non-relative friend since her parents moved out of town and left her. Carrie attends the screening with the addictions specialist. The substance abuse screen is positive but when asked to sign the 1176 consent form, she refuses. Carrie says that she is not signing the form, she does not have an alcohol or drug problem, and does not see why signing that form is part of what she has to do to get benefits. The addictions specialist notifies the case manager via the 1177 that Carrie failed to sign the 1176. If Carrie does not comply by the end of the 30th day of the application, deny the TCA application. Her applications for food stamps and Medical Assistance must be processed.

EXAMPLE 2:

Mr. and Mrs. Carson are applying for TCA for themselves and two children. After the interview with the case manager, both adults are referred to the addictions specialist using 1177s. Mr. Carson completes the screening with the addictions specialist and the screen was negative. However, Mrs. Carson leaves after the interview with the case manager and tells her husband she is "not going to any screening for substance abuse." After ten days, the addictions specialist returns both 1177's to the case manager. Although Mr. Carson completed the screening and his screen was negative, Mrs. Carson's 1177 indicate that she failed to appear for screening. (Mrs. Carson has until the end of the 30th day of the application to comply). If Mrs. Carson fails to comply by the end of the 30th day, deny the TCA application. The food stamps and Medical Assistance applications must be processed.

NOTE: In a two-parent household, if one or both parents refuse to comply with the screening requirement the entire household is ineligible at application.

B. When a recipient is non-compliant:

1. The case manager sends a Notice of Non-compliance to the individual.
2. The case manager refers the individual to Family Services.
3. If the customer continues to be non-compliant, the case manager begins conciliation procedures and after the 30-day conciliation period and appropriate adverse action, sanctions the individual as the result of information received from the addictions specialist.
4. The case manager informs the addictions specialist the customer is in conciliation using the 1178.

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- ◆ During the conciliation and sanctioning process, the case manager and the addictions specialist attempt to get the non-compliant individual to comply.
- ◆ An individual sanction is imposed for failing to comply with FIP substance abuse treatment requirements by removing the non-compliant individual's needs from the TCA grant.

110.12 Individual Sanctions

- A. When an individual refuses to participate or fails to comply with the FIP substance abuse treatment requirements, the case manager must send appropriate notice and follow the conciliation procedures.
- B. The case manager or the addictions specialist refers the customer to the Family Services Unit. If the customer cooperates with the Family Services Unit, he or she is in compliance with work requirements but remains in non-compliance with substance abuse requirements.
- C. If the individual fails to comply after 30 days, the individual's needs (difference between the grant amount with the customer included and without the customer) are removed from the grant.

EXAMPLE:

The Johnson's are receiving TCA for themselves and 2 children. Mr. Johnson kept his appointment for a comprehensive assessment in February and was referred to an outpatient counseling program. The addictions specialist provided an 1178 to the case manager in February confirming that Mr. Johnson was enrolled in the treatment program but was not able to work.

- April 18: The addictions specialist gives the case manager an 1178 indicating that Mr. Johnson was discharged from his treatment program for not maintaining active participation. The addictions specialist notifies the Family Service Unit that Mr. Johnson has failed to comply with substance abuse treatment.
- April 20: The case manager sends a notice of non-compliance and begins the 30 day conciliation period. (This is his one-time-only conciliation for Substance Abuse Treatment and Services requirements.)
- April 27: The case manager calls to try to persuade Mr. Johnson to return to the program. The case manager talks with Mrs. Johnson who says she has tried but cannot get her husband to return to the program. She says he has been taking her money, making it difficult to pay rent and purchase needed items for the children. In addition, since her husband returned to

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the home, her son has been having problems in school and is currently on disciplinary removal for fighting. Mrs. Johnson says she is trying her best to complete her work-training program and needs help with holding her family together, especially in dealing with her son, until she completes the training and gets employment.

May 9: The Family Service case manager contacts the Johnson's. Mr. Johnson agrees to work with the Family Service case manager in resolving family issues and his non-compliance with the substance abuse requirement.

May 12: Although Mr. Johnson is working with the Family Service case manager he remains in non-compliance with the substance abuse requirement. A NOAA is sent to Mrs. Johnson notifying her that her TCA grant will be reduced effective June 1. Mr. Johnson is meeting the work requirement because he is working with the Family Service Unit.

June 1: Mr. Johnson's needs are removed from the grant (\$697- \$576 = \$121) (October 2013). The TCA benefit is reduced to \$576. The case manager completes an 1178 to notify the addictions specialist of the sanction and also informs the Family Service unit of Mrs. Johnson's request for help with family support. Mrs. Johnson remains payee of the benefit.

NOTE: A substance abuse sanction is cured by compliance with the substance abuse provision for which the sanction was imposed. The addictions specialist will notify the case manager via the 1178 if the individual is in compliance with the provision for which the sanction was imposed. Following the LDSS procedures the addictions specialist will notify the Family Service Unit that the customer has complied. Benefits are resumed (prorated) from the day after the customer complies.

See Appendix for MA and FS policy when there is a TCA substance abuse sanction and CARES procedures.

111 VOLUNTARY QUIT AND REDUCTION OF EFFORT

111.1 General policy

- A. TCA applicants and recipients, age 16 (not a parent and not in school) and older may not voluntarily quit a job or reduce the number of hours they work without good cause.
- B. Applicants or recipients age 16–18, whose participation requirement is education, are exempt from the voluntary quit/work reduction provision provided that the individual is registered in and attending school.

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C. Children, age 16-17 not registered in school or attending 80% of the time, are subject to PPI requirements.

D. To be considered a voluntary quit the following conditions must exist:

1. The job was 30 hours or more per week or provided weekly earnings at least equivalent to the minimum wage (\$7.25 effective July 24, 2009) multiplied by 30 hours;
2. The quit happened within 30 days prior to the application being filed or any time after filing, up to the time an eligibility decision is made, or while the assistance unit receives TCA benefits.
3. The quit was without good cause.

E. The reduction of work effort applies if:

1. Before the reduction, the individual was employed 30 hours or more per week or received weekly earnings at least equivalent to the minimum wage (\$7.25 per hour effective July 24, 2009) multiplied by 30 hours;
2. The reduction occurred within 30 days prior to the date the application was filed or any time up to the date the eligibility decision is made, or the assistance unit receives TCA; and
3. The reduction was voluntary and without good cause.

111.2 Good cause for quitting a job or reducing work hours

A. Good cause for quitting a job includes one or more of the following:

- Quitting a job to take a new job with another employer;
- Discrimination based on race, sex, disability, religious or sexual orientation;
- Breakdown in transportation arrangements when there is no other accessible means of transportation;
- Breakdown in child care arrangements or lack of child care resources;
- Domestic violence or other family crisis that threatens normal family functioning;
- Hazardous working conditions;
- Documented illness or incapacitation;
- Incarceration;
- Resignation at employer's request;
- Lack of supportive services identified in the Family Independence Plan and agreed upon by the recipient and the local department; and
- Other circumstances determined to be good cause by the local department.

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B. Acceptable verification.

1. Accept the best available information to verify good cause.
2. Acceptable verification comes from a variety of sources.
3. Accept the customer's statement when other verification is not available.

For example, it would be highly unlikely for an employer to acknowledge that he discriminated against an employee. It may also be impossible for a customer to verify family violence.

111.3 Applicants

A. Eligible adult head of the TCA Assistance unit.

1. If the work eligible adult head of the TCA assistance unit (or either or both adults in a two-parent household), quits a job or reduces his or her work hours, without good cause, within 30 days of filing an application for TCA or from the time the application is filed and the eligibility decision is due, the assistance unit is ineligible for TCA for 30 days following the quit.
2. The TCA application should be pended the day of the application and then denied. Repend the application the day after the 30th day following the quit or reduction of effort. Use the date of the day after the 30th day following the quit or reduction of effort as the application date. Narrate CARES very clearly.

Example 1: Tamara Johnson quit her job at WAWA on December 31. The manager would not give her the evening off and she wanted to go out with her friends. Ms. Johnson applied for TCA on January 10 for herself and her 18-month-old child. The case manager discusses the situation with Ms. Johnson and explains the voluntary quit policy to her. The case manager advises Ms. Johnson that she is not eligible for TCA until January 31. January 31 is the day after the 30th day following the quit.

Example 2: Margaret Green applied for TCA benefits on January 4. Ms. Green told the case manager she quit her job because the employer wanted her to work more than 40 hours per week but would not pay her for the additional time. The case manager determined the quit was for good cause and did not apply the voluntary quit penalty.

- B. When the applicant individual is not the head of household, but is work eligible, and has reduced his/her work hours or quit a job, the needs of the individual are removed from the TCA benefit until the day after the 30th day following the quit or reduction in work effort.

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111.4 Recipients

- A. When a customer is working, **update the Family Independence Plan (FI)** to include the employment and the requirement that the customer must maintain employment or find equal subsequent employment if the customer quits the job.
 1. When the FI plan has been updated properly, the customer's failure to maintain employment or work hours without good cause is non-compliance with the Family Independence Plan.
 2. The customer is not entitled to a conciliation period. Conciliation and sanction policies do not apply to voluntary quit or reduction of effort penalties.
 3. Contact the customer to determine whether good cause exists. If good cause does not exist, send adverse action to the customer and take the following action.
- B. Close the TCA case for 30 days from the date of the quit or reduction of hours when the head of the household or either parent in a two-parent household quits a job or reduces work hours without good cause. The household must reapply.
- C. Remove from the TCA grant the needs of an individual who is not the head of household and is not a parent in a two-parent household. Do not remove the individual from the grant because eligibility for Medical Assistance (MA) continues. At the end of the 30-day penalty contact the household regarding any changes prior to adding the individual back to the TCA benefit.

Example: Garrett and Sarah Washington applied for TCA for themselves and two children on July 9. Mr. Washington quit his job on June 28. He knew he was going to get fired because he was always late for work. The case manager discusses the voluntary quit policy with Mr. and Mrs. Washington. Mr. Washington does not have enough quarters of earnings to be eligible for unemployment. The case manager determines the quit to be without good cause and advises the Washingtons that they can reapply on July 29, the day after the 30th day following the quit

111.5 Closing the TCA assistance unit

- A. Use CARES code 566 to close a TCA case when the head of household recipient quits a job or reduces work hours without good cause while receiving TCA.
- B. Conciliation and sanction procedures do not apply for voluntary quit.
- C. CARES lists **COMAR citation 07.03.03.04** "You did not do what you needed to do according to regulations" on the notice. Add customer specific free-form text to explain why the TCA benefit is being closed and the 30-day penalty.

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EXAMPLES

Example 1: Martha Johnson sent in her case information form (CIF) on herself and her three children for her TCA redetermination on April 17. Ms. Johnson reported that her oldest child, Susan, who is 17, quit her job on March 28 because of an argument with her boss. Susan had previously quit school and was mandatory for the work program. The case manager had updated the Family Investment Plan identifying Susan's job as her work activity. Susan and her mother had both agreed to the Plan.

The local department determined that there was no good cause for Susan quitting her job. Susan's needs are removed from the TCA grant after 10 days adverse action.

Example 2: Steuart Hill has been receiving TCA for himself and his son. On March 25 Mr. Hill reported that his son quit his job at McDonald's on February 18. Mr. Hill's son is age 17 and a senior in high school. He attends school regularly. The voluntary quit penalty does not apply.

Example 3: Tanya Spring applied for TCA on May 10 for herself and her daughter. Ms. Spring reported that she quit her job on April 27 because her supervisor was harassing her. Ms Spring indicated she filed for unemployment (UI) benefits on May 2. Unemployment denied her benefits indicating the employer stated she quit her job. Ms. Spring filed an appeal. The case manager inquired on MABS and verified UI status was under appeal because Ms. Spring is disputing what the employer reported. Ms. Spring is eligible for TCA (as long as she meets all other eligibility factors).

On June 20, the case manager follows up on a 745 alert. Ms. Spring lost her UI appeal. Ms. Spring remains eligible for TCA (it is past 30 days after she quit) and she is not required to pay back any of the TCA benefits she received during May and June.

Example 4: Dorothy has received TCA for herself and 2 children for 2 years. Her oldest son, Michael (age 17) quit school before graduating and started working at the local grocery store. The case manager added the requirement that Michael remain employed or return to school to the FIP plan. On June 10, Dorothy reported that Michael quit his job. The case manager determined the quit, which occurred on June 9, was without good cause. Michael does not intend to return to school.

A Notice of Adverse Action was sent to Dorothy advising her that Michael's needs were being removed from the TCA for 30 days from the date of the quit. Michael's needs are removed from the grant until July 10th.

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The difference between the TCA for 3 people and the TCA for 2 people is the amount that would be prorated for restoring Michael to the TCA after 30 days.

Note: See Appendix for CARES procedures for voluntary quit and reduction in work hours.

Assessments

As we said on one of the first pages of this guide, an assessment:

- Lays the ground work for customer success in becoming self-sufficient
- Identifies customer skills and resources and potential skills and resources
- Identifies existing and potential obstacles to customer success
- It helps determine how long it will take the customer to reach his/her goals.

Starting with a good assessment is the best way to help the family become self-sufficient and independent of TCA. A good assessment may help identify hidden barriers that the customer has. The more that is known about the customer's situation, the able to provide appropriate referrals and work activity placements.

In addition to being a good start, an assessment is required by law from many different aspects.

Temporary Assistance to Needy Families (TANF) law requires an assessment as does the American's with Disabilities Act (ADA) and in Maryland COMAR require an assessment. In COMAR assistance units reaching 60 months have to be granted a hardship extension if an assessment was not completed.

Let's look at an example:

Mary Jones receives TCA for herself and her two children-ages 10 and 14. Ms. Jones was referred to a work activity at a local hospital. She has been late 3 times in the last week. She also missed two days in the last month. The case manager sent her a good cause notice and started her 30 day conciliation period.

At the conciliation conference, Ms. Jones indicates she has a child who has problems at school and is not receiving the help she needs. Ms. Jones indicated she has had to go to her child's school twice this week. In addition, Ms. Jones' oldest child has diabetes and has not been following her diet, resulting in some serious health issues for her. Her daughter passed out several times and Ms. Jones had to stay with her until her daughter was alert and active.

In general, the basic TCA/FSP interview would not have uncovered what was going on in Ms. Jones' household. It would seem reasonable for Ms. Jones to be referred to an

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activity and expect her to be successful. She doesn't need child care. She can go to her activity and the sooner, the better.

What might have an assessment uncovered?

By asking questions like the following, the case manager may have found out that Ms. Jones' family has serious issues that need to be addressed before she can be successful in a work activity. The case manager could potentially refer Ms. Jones to people or places that could help her and her children.

Other similar questions about the customer or the household help case managers and other LDSS staff identify needed steps in the ground work for the customer's success.

Do any of your children . . .

a Have health problems?

.

b Have behavioral problems?

.

c Have special needs?

.

d Experience frequent disciplinary problems at
school?

e Miss school frequently?

.

f Face suspension or expulsion from school?

.

g Face charges, involvement with the juvenile
justice system, detention or on probation?

Are you the primary caregiver for an elderly, disabled or sick family member or friend?

REPORTS

WORKS

There are many reports in WORKS that are helpful to LDSS offices in tracking customer's and their activity participation. Reports such as the Missing Attendance and TANF Countable Participants are two that will show you who is registered, how many hours they are participating and if the data has been entered into the WORKS system. A user ID and password are required for access. Reports can be downloaded into Excel for further analysis.

Scorecard and At- a-Glance

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Each LDSS has specific goals set for their office based on economic conditions in their jurisdiction, seasonal adjustments, caseload size and makeup, and previous work program history. The Scorecard and At A Glance Reports issued monthly from FIA central help LDSS offices track and monitor where they are as far as meeting their monthly and annual goals such as Work Participation Rate (WPR), Ten Dollar an Hour placements, and full time employment placements for customers. These reports are developed using information from the University of Maryland School of Social Work (SSW) data and placed in the PIRIMID folder of each LDSS. These reports are placed on shared drive.

School of Social Work

In addition, to the Scorecard data, the SSW also develops numerous other reports that are available on the SSW reporting website. Access is provided to specific individuals and a Log In and password are required. These reports provided data on the core case load break down, including the number of disabled people in the caseload, the number of work eligibles, and those with a child under age 6 to name a few. Reports can be downloaded into Excel for further analysis.

DataWatch

Datawatch provides access to numerous reports from applications received, applications processed and cases closed to application compliance and numerous other areas. Reports can be downloaded into Excel for further analysis.

Various Ad-Hoc Reports

Various Ad-Hoc or non production reports can be created in CARES, SSW, and WORKS. A memo/ request has to be provided to FIA central CARES staff or to Vince Kilduff requesting the report and stating what is needed, why the ad hoc is needed and the dates the report is needed for. The report needs to indicate whether the report should be in paper or electronic format and if electronic whether it should be in Excel format.

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Appendix 1- How TCA Substance Abuse Sanctions affects Food Stamps and Medical Assistance Eligibility

Appendix 2- CARES Procedures for when an Applicant or Recipient Voluntarily Quits a Job or Reduces Work hours

Appendix 3-TCA Core Case Activities

Appendix 4- TCA NON-CORE CASE ACTIVITIES

Appendix 5-FLSA- Activity Review sheet

Appendix 6- FSLA Minimum Wage Calculation

FORMS

DHR/FIA 1176 (Revised 10/05)

Consent for the Release of Confidential Alcohol and Drug Treatment Information

DHR/FIA 1177 (Revised 10/05)

Substance Abuse Screening Referral Form

DHR/FIA 1178 (Revised 10/05)

Substance Abuse Identification and Treatment Notification

Sample Assessment Form

DOMESTIC VIOLENCE SUPPLEMENT-

- ♠ Introduction
- ♠ Hidden Losses to the Workplace
- ♠ Tips to Make The Work Place Safer
- ♠ Danger Assessment

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Appendix 1

A. How TCA Substance Abuse Sanctions affects the Food Supplement Program (FSP) and Medical Assistance Eligibility

1. FOOD SUPPLEMENT PROGRAM (for substance abuse sanction cases)

- If the TCA application is denied and the family has also applied for the FSP, process the FSP application and pay benefits to all eligible household members based on any income received (TCA is not counted as phantom income at application).
- If the TCA benefit amount is reduced because of a substance abuse sanction, base FSP benefits on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.
- If the TCA case was closed due to non-compliance with the drug testing provision and the customer subject to drug testing is also receiving food stamps, the food stamp benefit will be reduced.
- Customers are still subject to and must meet the FSP Employment and Training (FSP-ET) requirements.

2. MEDICAL ASSISTANCE (for substance abuse sanction cases)

- If the TCA application is denied, process the MA application for all members of the assistance unit.
- If the TCA application is processed but the substance abuse sanctioned individual's needs are not included in the TCA benefit assistance unit, the sanctioned individual is included in the Medical Assistance with the TCA unit members. (See CARES procedures for Individual Sanctions)
- If a TCA case is sanctioned (closed), the MA will trickle to the appropriate coverage group.
- If an active TCA case has a substance abuse individual sanction imposed, the FO1 MA coverage will continue for the sanctioned individual. (See CARES procedures for Individual Sanctions)

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B. Cares Procedures for Cases With an Individual Affected by Substance Abuse Treatment Provisions

1. To identify a case with an individual affected by the substance abuse treatment provisions, enter on the individual's **DEM1** screen in the **HOSPITAL** field:
 - **SA1** - enrolled in a substance abuse treatment program
 - **SA2** - awaiting available vacancy
 - **SA3** - successfully completed treatment program
 - **SA4** - failed to enroll in appropriate and available substance abuse treatment.
 - **SA5** - failed to maintain active enrollment in appropriate and available substance abuse treatment.
 - **SA6** - failed/refused to complete the screening or comprehensive assessment
 - **SA7** - results of screening/assessment indicate individual not in need of substance abuse treatment
 - **SA8** - failed/refused to sign consent form
 - **SA9** - discharged for non-compliance
 - **SA10** - referred to a new program
 - **SA11** - failed/ refused to comply with drug testing
2. Individual Sanctions
 - a. If the non-compliant individual is also the head of household, add a third party payee to the **AREP** screen for TCA with **Rep Type P1** and issue an EBT card to that person
 - b. The sanctioned customer remains active on the **TCA STAT** screen and therefore will continue to receive F01 medical coverage provided the customer continues to meet eligibility for the program.

REMINDER: For all TCA assistance units with an individual affected by the substance abuse treatment provisions (including those who are in compliance), use the appropriate recertification end date but create an alert to review every four months.

3. CARES Procedures for Implementing an Individual Sanction in TCA and maintaining MA Benefits:
 - When the customer has been determined non-compliant with substance abuse requirements and the customer's needs are removed from the grant, complete the following procedures:
 - a. Enter on the non-compliant individual's **UINC** screen the amount of the sanction (the difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual) as:

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- b. **OA** (Other Countable, Cash Only) - The grant will then be in the correct amount for the sanctioning and still allow medical coverage.
- c. Enter **OT** for the verification amount and **AC** for the frequency.

3. CARES Procedures for FSP Benefit Calculations for Individual Sanctions

- ♦ To issue the correct FSP benefit to a household that has an individual being sanctioned for non-compliance with substance abuse treatment and services requirements use the following procedure:
 - a. On the **UINC** screen of the Head of Household enter the TCA benefit amount (this is the difference between the grant amount for the household with the sanctioned individual and the amount without the individual) as phantom income using the code **OF** (other unearned income, FSP countable only).
 - b. This will maintain the FSP allotment at the level prior to the sanction.

Note: If the sanctioned individual is also a drug felon and fails to comply with the drug-testing provision or SATS requirements, the food stamp benefit will be reduced.

4. Free Form Text

On the CARES **CAFI** screen, press **PF13** and enter the additional lines of text and COMAR citation:

According to Code of Maryland Regulations 07.03.03.09.

When a minor parent who is not the head of household does not sign the consent form, we cannot pay TCA for that person.

Individual's Name failed to sign the substance abuse consent form so your grant was reduced by \$____. You may contact the Family Services Unit for help.

OR

According to Code of Maryland Regulations 07.03.03.09.

When an adult or minor parent does not have a substance abuse screening or an assessment, we cannot pay TCA for that person.

Individual's Name failed to have a Screening and/or Assessment so your TCA grant was reduced by \$____. You may contact the Family Services Unit.

OR

According to Code of Maryland Regulations 07.03.03.09.

When an adult or minor parent does not enroll in appropriate and available substance abuse treatment, we cannot pay TCA for that person.

Individual's Name failed to enroll in treatment so your TCA grant was reduced by \$_____.

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You may contact the Family Services Unit.

OR

According to Code of Maryland Regulations 07.03.03.09.

When an adult or minor parent does not stay enrolled in appropriate and available treatment, we cannot pay TCA for that person.

Individual's Name failed to stay enrolled in treatment so your TCA grant was reduced by \$____. You may contact the Family Services Unit.

OR

According to Code of Maryland Regulations 07.03.03.09.

When an adult or minor parent does not stay enrolled in a substance abuse treatment program, we cannot pay TCA for that person.

Individual's Name was discharged from a treatment program for not keeping program rules so your TCA grant was reduced by \$____. You may contact the Family Services Unit.

OR

According to Code of Maryland Regulations 07.03.03.09, when a custodial parent convicted of a drug felony committed after August 22, 1996 fails to have a drug test we cannot pay TCA for that person. Individual's Name failed to have drug test so your TCA grant was reduced by \$____. You may contact Family Services Unit for help.

OR

According to Code of Maryland Regulations 07.03.03.09, Individual's Name was convicted of a drug felony after July 1, 2000 and cannot get TCA through MMYY.

5. CARES WORK SCREEN

For individuals receiving substance abuse treatment enter the following information on the WORK screen:

- ♦ If the individual is receiving Food Supplement benefits alone:

Under FSP in the **Registration Status** field enter **EX** and in the **Exempt Reason** field enter **DA** (Drug/Alcohol Treatment).

6. WORKS

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Following are some guidelines for properly documenting TCA substance abuse treatment in WORKS:

Activity Code – On the Add Activity Screen (DHR Form 1391), create a new Activity File record identified with the Activity Code **JBT**. This Activity Code is a variation of Activity Code **JBS** and has been created to separately identify drug abuse treatment from other types of activities categorized as job search or job readiness assistance. The remainder of this Activity File record should be completed following the guideline in the WORKS Manual.

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Appendix 2

CARES Procedures for when an Applicant or Recipient Voluntarily Quits a Job or Reduces Work hours

A. Denying the TCA application

Use CARES code 566 to deny a TCA application when the head of household applicant quit a job without good cause within 30 days prior to the TCA application date or eligibility decision date.

CARES lists **COMAR citation 07.03.03.04**: “You did not do what you needed to do according to regulations” on the notice. Add customer specific free-form text to explain why the application is being denied.

B. Reducing the assistance unit because of individual non-compliance

Reduce the TCA grant because of the non-compliant actions of an individual in the household who is not the head of household.

1. Reduce the grant amount by the difference between the grant for the full household size and the grant for the household size without the sanctioned individual.
 - a. Enter the difference between the grant for the full household size and the grant for the household size without the sanctioned individual on the sanctioned individual’s CARES unearned income (UINC) screen.
 - b. CARES will remove the individual’s needs from the TCA.
2. Do not remove the individual from the TCA household. The individual remains part of the TCA assistance unit.

C. Restoring the individual after the 30 day penalty

The day after the 30th day from the voluntary quit or reduction of work hours without good cause, the individual can be added back to the household.

Follow these CARES procedures to prorate the benefit when the needs of the non-compliant individual are added back to the grant.

1. Remove the unearned income that was previously added to the CARES UINC screen as the individual’s needs in both the **current month** and **the ongoing month**.

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2. That action creates an underpayment BEG in the current month. Remove the underpayment BEG on the CAFI screen by coding it **PA**.
3. The amount that was removed from the CARES UINC screen is the amount that is to be prorated when restoring the individual. Using the proration chart find the amount equal to the individual's needs that were removed from the UINC screen. Follow the chart over to the day the individual is being restored to the TCA. That is the prorated amount of the BEG that needs to be issued.
4. Go to the CARES Welcome Screen and enter: **"R- Benefit Error"**
5. Enter: **"E-Add another BEG"**
6. Create the BEG for the prorated amount.
7. The supervisor approves the BEG.

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Appendix 3

TCA CORE CASE ACTIVITIES

Activity	Revised Activity Definitions 10/01/08	Requirements Specific to the Activity	Verification and Supervision Required
Unsubsidized Employment (WEJ)	Full or part time employment in the public or private sector that is not subsidized by TCA or any other public program.	Customer has countable earned income.	Use signed time sheets or pay stubs to show activity verification.
Subsidized private Sector Employment (WSU)	Employment in the private sector for which the employer receives a subsidy from TCA or other public funds to offset some or all of the wages and cost of employing a recipient.	Grant Diversion or P-10 funded	Use signed time sheets or pay stubs to show activity verification.
Subsidized public sector employment (WSP)	Employment in the public sector for which the employer receives a subsidy from TCA or other public funds to offset some or all of the wages and cost of employing a recipient.		Use signed time sheets or pay stubs to show activity verification.
Work Experience (WEX)	A <u>work</u> activity that provides an individual with an opportunity to acquire the general skills, training, knowledge and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. Participants continue to receive TCA.	Fair Labor Standards Act (FLSA)	Time sheets or activity sheets, showing daily activity and signed by the supervisor or the employer. Supervision of the individual is performed as part of the normal workday by the site supervisor, employer, the vendor, or the case manager.
On-the-job-training (OJT)	<u>Training</u> in the public or private sector that is given to a paid employee while he or she is engaged in productive work that provides knowledge and skills <u>essential</u> to the full and adequate performance of the job.	Not subject to FLSA	Time sheets or activity sheets. Supervision of the individual is performed as part of the normal workday by the site supervisor, the vendor, or the case manager.

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TCA CORE CASE ACTIVITIES

Activity	Revised Activity Definitions 10/1/06	Requirements Specific to the Activity	Verification and Supervision Required
Job Search and Job Readiness Assistance (JBS) -	The act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, and short-term substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable. A qualified medical or mental health professional must determine that treatment or therapy is necessary.	May only participate for 4 consecutive weeks and 120 hours (child under 6) or 180 hrs. per federal fiscal year to be countable in the WPR. Can only count independent job search if supervised by an employment specialist.	Time sheets or activity sheets must show daily time. Supervisor is aware of daily activity. Supervision of the individual is performed as part of the normal workday by the site supervisor or the vendor, or case manager.
Community service programs (WEM)	TCA recipients perform work in structured programs for the direct benefit of the community under the aid of public or nonprofit organizations. Community service programs improve the employability of recipients unable to obtain employment.	Take into account prior training, experience, and skills of a recipient in making appropriate community service assignments. WEM is <u>limited</u> to projects that serve a useful community purpose. Is subject to FLSA.	Time sheets or sign in/out sheets Supervision of the individual is performed as part of the normal workday by the site supervisor, the vendor, or the case manager.
Vocational Educational Training (BEV)	Organized educational programs directly related to the preparation of individuals for employment in current or emerging occupations requiring training. Training must be provided by an educational organization. (e.g. Vocational-Technical School, Community College, or proprietary school.)	Not to exceed 12 months (52 weeks) in any individual's lifetime. Must be provided by education or training organizations, such as vocational –technical schools, community colleges, post secondary education institutions and proprietary schools.	Attendance records or grading records showing attendance. Supervision of the individual is through vendor or case manager contact.
Child care for an individual participating in a community service program (WEC)	Providing childcare to allow another TCA recipient to participate in a community service program.	May only be childcare for another TCA recipient in a WEM program.	Use log of hours care was provided. May not be used by one parent in a 2 parent household.

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Appendix 4

TCA NON-CORE CASE ACTIVITIES (Does not make the customer countable for work participation rate purposes without 20 hours/week of core activities)

Activity	Revised Activity Definitions 10/1/08	Requirements Specific to the Activity	Verification and Supervision Required
Job skills training directly related to Employment (IST)	Training or education for job skills required by an employer to provide an individual with the ability to obtain employment or adapt to the changing demands of the workplace	May be for a specific occupation such as truck driving, welding, nursing assistance. May also be for general training that prepares and individual for work. Activities like ESL and literacy training may be included when the focus of training is on the skills the individual needs to move to employment..	Use attendance records or report cards showing attendance or sign in and out sheet to verify attendance and supervision.
Education directly related to Employment/ABE/ESL (BER)	Education related to a specific occupation, job, or job offer. When a prerequisite for a job the activity may include education leading to a high school diploma or GED. Means education related to specific job or job offer. May include immigrants whose high school diploma can not be compared to a US diploma.	Adult education and English as a second language may be included as long as they are part of the normal work-focused curriculum. Assessment or FIP must document how job related.	Use attendance records or report cards showing attendance or sign in and out sheet to verify attendance and supervision.
Satisfactory attendance at secondary school or in a GED program (BED)	Regular attendance in accordance with the requirements of the secondary school leading to a GED certificate.	Recipients who have not received a high school diploma or equivalency. May not include adult education or ESI unless they are linked to attending the secondary school.	Use attendance records, report cards showing attendance, or sign-in-and-out sheet to verify attendance and supervision.

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Appendix 5

Activity Review for Determination of Training or Employment Status

To be completed by the WORK ACTIVITIES COORDINATOR

Date of Review: _____

Activity Title: _____

WORKS Activity Code _____

According to the Wage and Hour Division of the U.S. Department of Labor, a trainee or intern is not considered an employee, if all the following factors are met:

- A. Training provided by the employer is similar to that offered in vocational schools.
Yes_____ No_____
- B. Training benefits the trainee or intern more than the employer.
Yes_____ No_____
- C. The trainee or intern does not displace any regular employee.
Yes_____ No_____
- D. The trainee or intern is under close observation.
Yes_____ No_____
- E. The trainee or intern's activities provide no immediate advantage to the employer and may on occasion impede the operation of the business.
Yes_____ No_____
- F. The trainee or intern is not entitled to a job after training.
Yes_____ No_____
- G. The employer, trainee or intern all understand that trainees or interns are not entitled to wages for any time spent in a trainee or internship activity.
Yes_____ No_____
- H. The trainee or internship activity is limited to ninety days or less.
Yes_____ No_____

*If the response is **no** to any statement, the activity is considered employment.*

Employment: _____ (Fair Labor Standards Act provisions apply.)

Training: _____ (May only be for 90 days or less)

Signature of Reviewer: _____

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Appendix 6

Minimum Wage Calculation for Employment Activities

For each customer in a federally defined work activity, the case manager responsible for the work participation placement determines whether the TCA grant amount and FS benefit amount equal or exceed the State minimum wage.

Participant's name: _____

Customer ID: _____

Activity: _____

1. Number of Hours per week: _____

2. Multiplied by State minimum hourly wage: x 7.25 (as of 7/24/09)

3. Equals Weekly Rate: = _____

4. Multiplied by 4.3 weeks per month: x 4.3

5. Equals monthly State minimum wage: _____

6. TCA grant amount: _____

7. Plus FS grant amount: + _____

8. Equals combined TCA and FS amounts = _____

- I. Does the combined TCA and FS amount on line 8 equal or exceed the monthly minimum wage on line 5?

Yes____ No____

If no, review participation hours for possible adjustment.

Reviewer's Name: _____

Date of calculation: _____

FORMS

**CONSENT FOR THE RELEASE OF
CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION**
by Substance Abuse Assessment and Treatment Providers to Departments of Social Services

Head of Household _____ DSS Office _____

MA# _____ AU ID# _____ SS# _____

I, _____, authorize the substance abuse
assessment or

Print name

treatment provider that I am referred to for assessment or treatment, or that is treating me, to report to the Department of Social Services (DSS) office named above the information listed below, if it has this information about me:

- That the substance abuse treatment provider has received my consent form and referral for treatment from the Addictions Specialist;
- That I did not keep an appointment for a comprehensive substance abuse assessment ordered by the Addictions Specialist in the DSS office;
- That a comprehensive substance abuse assessment indicates that I am not in need of substance abuse treatment;
- That I have been referred for substance abuse treatment;
- That I did not schedule and appear for my first appointment for substance abuse treatment within 30 days of referral or as soon as I could get an appointment;
- That I am waiting for room for me in the kind of substance abuse treatment program I was referred to;
- That I am enrolled in a substance abuse treatment program;
- That I am not maintaining active attendance or participation in the treatment program;
- That I have been discharged from a treatment program for noncompliance;
- That I successfully completed the substance abuse treatment that I was referred to;
- That I was referred to another substance abuse treatment program, and the name of that program.
- That I have been tested for drug use and results of the test. **(FOR PERSONS CONVICTED OF A DRUG FELONY)**

This release is necessary to comply with State law which requires that this information has to be reported to your local DSS office if you are going to receive Temporary Cash Assistance (TCA) benefits, and to receive TCA and Food Stamps if you have been convicted of a drug felony.

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, and cannot be reported to anyone without my written consent unless those regulations provide otherwise. I also understand that I can cancel this consent at any time, but the cancellation will not apply to the past acts someone who was covered by this consent at the time and relied on it; if I do cancel this consent, I could lose my TCA or Food Stamp benefits. In any case, this consent will automatically be canceled when my TCA and Food Stamp benefits end.

Signature

Date

PROHIBITION OF REDISCLOSURE

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR part 2). The federal rules prohibit any further disclosure of this information unless expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse treatment patient.

**SUBSTANCE ABUSE
SCREENING REFERRAL FORM**

Date _____

DSS Office _____

MA No. _____

Head of Household _____

AU No. _____

Applicant/Recipient Name _____

SS No. _____

Address _____

Telephone No. (_____) - _____

_____ Zip _____

☐ Drug Felon

DOB _____ MCO (if applicable) _____

LDSS Case Manager _____ Telephone No. (_____) - _____

Addiction Specialist Completes

1. ☐ Customer failed to appear for screening.
2. ☐ Customer refused to be screened and/or assessed.
3. ☐ Customer's screen was negative.
4. ☐ Customer failed to sign 1176 when substance abuse screen was positive.
5. ☐ Customer's screen was positive. (Forward Independence Plan to Addiction Specialist)
6. ☐ Customer acknowledged a substance abuse problem. (Forward Independence Plan to AS)
7. ☐ Customer referred for assessment/treatment to: _____ on _____
(Date) (Name of Provider)

8. ☐ Customer failed to appear for referred assessment/treatment by _____
(Date)

9. ☐ Customer currently in treatment at _____

Verified by _____ (_____) - _____
(Contact person at provider) (Telephone No.) (Date)

10. ☐ Service Referral made on _____
(Date)

11. ☐ Comments: _____

For persons convicted of a drug felony

12. Referred for drug testing/assessment to _____ on _____
(Name of Provider) (Date)

13. ☐ Results ☐ Positive ☐ Negative _____ ☐ No Show
(Date)

Addiction Specialist _____ Telephone No. (_____) - _____

SUBSTANCE ABUSE IDENTIFICATION AND TREATMENT NOTIFICATION

Enrollee Name _____ AU No. _____

MA No. _____

Address _____ Zip _____ SS No. _____

DOB _____ Telephone No. (____) _____ - _____ MCO _____

Addiction Specialist/DSS Office

Address _____ Telephone No. (____) _____ - _____

Treatment Provider _____

Address _____ Telephone No. (____) _____ - _____

SAMIS Identification No. _____ Provider No. _____

Part I. Comprehensive Substance Abuse Assessment ☐ or Drug Test ☐ (Check one)

1. Date provider received consent form and referral ____/____/____
2. Date of appointment ____/____/____
3. Results of drug test: Positive ☐ Negative ☐
4. ☐ Patient failed to keep appointment for comprehensive substance abuse assessment or drug test.
5. ☐ Comprehensive assessment indicates patient not in need of substance abuse treatment.
6. ☐ Patient referred for treatment to: _____ on ____/____/____.

Signature of addictions specialist _____ Telephone No. (____) _____ - _____

Print or type name _____ Date _____

Part II. Treatment Compliance Notification

Level of Care Provided _____

1. Date provider received consent form and referral ____/____/____
2. ☐ Patient failed to appear for initial appointment within 30 days of referral or if no appointment available within 30 days of referral, patient failed to schedule and appear for first available appointment.
3. ☐ Awaiting available vacancy.
4. ☐ Enrolled in treatment program
5. ☐ Not maintaining active attendance/participation.
6. ☐ Discharged for noncompliance.
7. ☐ Successfully completed program.
8. ☐ Referred to _____ on ____/____/____.

New Program _____ Date _____

Admission date: ____/____/____ Discharge date: ____/____/____

Discharged to (provider) _____ Level of Care _____

New Provider's Address _____ Zip _____ Telephone No. (____) _____ - _____

Signature of addictions specialist _____ Date ____/____/____

Print or type name _____ Telephone No. (____) _____ - _____

Part III. Work Readiness

1. ☐ Not able to work
2. ☐ Not ready to work but could participate in job readiness/training/education
3. ☐ Able to work.
4. ☐ Other _____

Signature of addictions specialist _____ Date ____/____/____

Part IV. Case Manager Action Taken Case Manager Name

1. ☐ Conciliation ____/____/____ date began.
2. ☐ Sanction ____/____/____ effective date.
3. Active Service case ☐ YES ☐ NO

Comments: _____

DOMESTIC/FAMILY VIOLENCE SUPPLEMENT

In order to successfully help victims of domestic or family abuse become employed and self-sufficient you have to understand what domestic violence is. Domestic violence is about power. The abuser has power over his victim. Domestic violence is against the law. Following is information about some of the issues case managers and employment specialists may see.

Domestic violence robs victims of their fundamental human right to maintain a sense of control over their own lives. Victims of domestic violence often feel hopeless and powerless in escaping the continuous abuse.

Source: The above information was adapted from materials provided on the following websites:
<http://www.houseofruth.org>; <http://www.fvpf.org>; <http://www.ncadv.org>

The act of leaving an abusive relationship is a process.

Victims cannot assume that violence or the threat of violence will end when he/she leaves the perpetrator. Many perpetrators of domestic violence will stalk and harass former partners and victims of domestic violence for years.

Why Does the Victim Stay?

A question often posed by the victim's family and friends. There are numerous reasons for which men or women decide they should not leave an abusive relationship. Some of the more common reasons are listed below.

- **Children** – victims often desire for their children to grow up with both parents.
- **Control** – victims often believe that they can control the violence by doing what the abuser wants. This is almost never true.
- **Shame or embarrassment** about their situation.
- **Isolation** – many abusers will cut off relationships the victim has with family and friends, leaving the victim to feel alone and with no control over the situation.
- **Fear** – the perpetrator will often make threats of increased violence and even homicide if the victim threatens or attempts to leave. Women who leave their batterers are at a 75% increased risk of being killed by the abuser as compared to women who stay with the abuser (House of Ruth, 1998).
- **Financial concerns** – victims of domestic violence often feel they have lost all control over money and feel hopeless about their situation. In their first year after a divorce, a woman's standard of living drops, on average, 74%, while a man's standard of living improves by an average of 42% (Action Notes, 1989).
- **Deserve abuse** – victims often have the false belief that the abuse is 'deserved.'
- **History of childhood abuse** – victims with a history of being abused as a child or witnessing domestic abuse in their family often believe that violence is a normal part of a relationship.

Five Things You Can Say to a Victim Reluctant to Leave:

- I am afraid for your safety and the safety of your children.
- Without a change, the abuse tends to get worse.
- I am here for you when you are ready to leave.
- You deserve better than this.
- There are people who can help you.

Show Support:

- I believe you.
- The abuse is not your fault.
- How can I assist you in feeling safe?
- Help me to understand how you feel.
- Your reactions are normal for such a horrible experience.

Things NOT to Say to a Victim of Domestic Violence:

- I know that you are a battered woman/man.
- Did you try to stop the abuse?
- What did you do to provoke the abuse?
- Why don't you just leave?
- If someone ever hit me, I know I'd leave immediately.
- That happened awhile ago; can't you just forget about it?

(Source: Sarah Buel, "Prosecuting Batterers Without A Witness" Workshop, Tulsa, OK February, 1994 and [U.S. Office of Personnel Management Website](#).)

Today, the lines between work and home are becoming increasingly blurred, domestic violence can and does easily spill into the workplace, often as incidents of workplace violence.

Victims and perpetrators of domestic violence impact the workplace in many ways. In addition to the increased risk for workplace violence, domestic violence also results in decreased productivity, increased absenteeism, increased stress, increased health care costs, and increased turnover rates. The victim of domestic often has to flee his/her home in an effort to escape an abusive relationship. Escape from the home often includes abruptly leaving the workplace as well.

Hidden Losses to the Workplace

There are two primary reasons that domestic violence comes to work:

- ♠ **Domestic violence is about control** – the victim's job represents independence and while the victim is at work, she/he is not under the abuser's immediate control.
 - ♠ **The victim is vulnerable at work** because his/her work hours, parking arrangements, and geographical location are predictable. The abuser knows where and when he/she can find the employee.
-
- Domestic violence is responsible for an estimated **175,000 lost workdays per year** (*Family Violence Prevention Fund, San Francisco, 1997*).
 - According to the most recent statistics available, domestic violence costs employers between **\$3 & \$5 billion dollars per year** in medical expenses (*Bureau of National Affairs, 1990*).
 - Businesses forfeit an additional **\$100 million a year in lost wages, sick leave, absenteeism**, and non-productivity due to domestic violence. (*Colorado Violence Coalition, 1991*)
 - 37% of women victims of domestic violence reported feeling the effects of abuse in the workplace reflected in lateness, missed work, difficulty keeping a job, and difficulty advancing in their careers (*EDK National Telephone Poll, 1997 – A Survey for the Liz Claiborne Company*).
 - In a recent study of Fortune 1000 Senior Executives regarding domestic violence and the related costs to the workplace:
 - 66% reported that their company's financial performance would likely benefit from addressing domestic violence among their employees;
 - 47% reported that domestic violence negatively affects productivity;
 - 44% reported that domestic violence directly increases health care costs.

Tips to Make the Workplace Safer

Because domestic violence is so prevalent in our society, it is safe to assume that there is currently someone employed at your organization that is involved in an abusive relationship.

As a supervisor or manager, it is no longer acceptable to say, “That’s a personal problem” or “There’s nothing I can do.” Supervisors and managers can help to improve the safety of the work environment for both victims of domestic violence and co-workers who could be placed at increased risk for becoming a victim of workplace violence.

Listed below are some suggestions to use in the workplace to improve safety.

Things to be observing and documenting regarding the employee:

- unusual absences and/or late arrivals
- bruises, or other signs of emotional distress
- changes in work performance
- mood swings or changes in personality

Things you can do to educate yourself and your workforce in an effort to prevent incidents of workplace violence and to offer assistance to the employee you are concerned about:

- Contact your Employee Assistance Program (EAP) professional and the Office of Human Resources to discuss concerns and resources, as well as to discover ways to offer support to the employee.
- Know the work-site and community resources
- Read and understand the policies and procedures regarding workplace and domestic violence.
- Educate the victim and other employees about the workplace violence policy and procedures for reporting incidents of violence.
- Provide security with a picture of the perpetrator.

Actions you can take with an employee you are concerned about:

- Discuss safety/security issues with the employee and suggest possible actions (i.e. safety plan, referral to EAP).
- Help the employee document all incidents of harassment and/or stalking that occur in the workplace.
- Encourage the victim to save any threatening e-mail or voice-mail messages. These can be used in the future for legal action and/or evidence or violations of an existing restraining order. Offer to change parking arrangements for the victim so that he/she is close to the building entrance.
 - Offer to screen phone calls and transfer potentially harassing calls to security.
 - Assess the safety of the victim’s workplace, and relocate the victim to another more secure building or area when appropriate.
 - Make sure the restraining order includes the workplace, and make sure the workplace has a copy on hand at all times (if applicable).
 - Encourage the victim to identify an emergency contact person if the supervisor or manager is unable to contact the victim.
 - Use an escort service to walk the victim to and from his/her vehicle.

Do not ignore the situation.

If a workplace intervention is appropriate, either at the employee's request or to respond to a workplace threat, early intervention can often prevent incidents of workplace violence.

Ask the victim what additional changes are needed to make the workplace safer and more secure. No one knows the perpetrator better than the victim!

Source – The information above was adapted from U.S. [U.S. Office of Personnel Management Website](#).

Danger Assessment

Each situation of domestic violence is different and there are no true indicators that will point to the fact that the violence will occur again, or how severe. However, there are indicators that increase the likelihood that your customer may be in danger.

Case managers should review these questions with customers who indicate there is current abuse in the household.

DO NOT ASK THESE QUESTIONS IF THE SUSPECTED ABUSER IS IN THE INTERVIEW WITH THE CUSTOMER.

***Note:** Even if there are few indicators present, this does not mean that your customer is safe. He or she is the best judge as to whether or not they feel safe.*

Ask Yourself:

(On a scale of 1 to 10, 10 being the highest)

1. How dangerous do you think your partner is? _____
2. How safe do you feel? _____

Other Questions to Ask Yourself:

1. Has the frequency of the abuse increased? (Is it happening more often?) _____
2. Has the severity of the abuse increased? (Are the injuries getting worse?) _____
3. Does your partner use drugs or alcohol? _____
4. Is your partner obsessive? (Is he/she very controlling?) _____
5. Do you feel isolated (or does your partner restrict who you can have contact with)? _____
6. Are there, or has there ever been, weapons involved? _____
7. Does your partner suffer from mental illness (suicidal or strange behaviors)? _____
8. Is there sexual abuse involved? _____
9. Is the abuser abusive to the children? _____
10. Are you pregnant, or has your partner abused you while you were pregnant? _____

Abuse does not always have to manifest itself into physical behavior in order for it to be harmful. Below are some indicators of Non-Physical Indicators of Abuse.

Non-Physical Indicators of Abuse

1. My partner screams and yells at me. _____
2. My partner insults or shames me in front of others. _____
3. My partner does not respect my feelings. _____
4. My partner frightens me. _____
5. My partner demands obedience to their orders. _____
6. My partner does not allow me to have friends of the opposite sex (or same sex if appropriate). _____
7. My partner demands that I stay home, or follows me when I go out. _____
8. My partner demands sex, whether I want it or not. _____
9. My partner is controlling with money. _____

Creating A Safety Plan

Regardless of how dangerous the situation appears, a safety plan is an important piece of information that can help you think about how to keep yourself safe. In developing a safety plan, it is important to consider some of the following suggestions --

Are you thinking about leaving your partner?

- Identify things that have worked in the past to keep you safe.
- Think about what has happened in the past and how the abuser has acted. Identify clues that indicate when things are about to get violent (i.e. behavioral -- body language, drug/alcohol use, etc. -- and event driven -- paydays, holidays, etc.).
- Identify what you will do if the violence starts again. Can you call the police? Is there a phone in the house? Can you work out a signal with the children or neighbors to call the police or get help?
- Explore ways to have dangerous weapons (i.e. guns, hunting knives, etc.) removed from the house.
- Identify dangerous locations in the house (i.e. the kitchen - knives, hot water, oven, etc.) and try not to be trapped in them. Install a lock on the inside of the bathroom or other room where you can be safe.
- Make a routine for going out each day (i.e. walking the dog, taking out the trash, etc.). Let others know your routine so they will know when something is off.
- Plan an escape route and practice it. Know beforehand where you can go and who you can call for help. Keep a list of addresses and phone numbers where you can go in crisis and keep them in a place where the abuser cannot find it.

Are you planning on leaving your partner?

- What is your plan? How and when can you most safely leave? Do you have transportation, money and a place to go? What are you waiting for?
- Inform people you trust about your plan and allow them to help you. Consider alternative plans if you have to leave prior to their scheduled leave date.
- Make sure you have a safe place to go; somewhere where someone is supportive and the abuser does not know about (shelter, relative, hidden apartment, etc.).
- Who will you tell and not tell about leaving? Who in your support network do you trust?
- Pack a bag and keep it in an undisclosed but accessible place (either at home, at a friend or neighbor's house, or at work) in order to leave quickly.
- How will you travel safely to and from work, or to school to pick up the children?
- Seek legal advice so that you know what they can and cannot do, and what you can and cannot have. (i.e. Can you take the car? Can you take the children to another state?)

- It is important to see your life first and their possessions second.
- If possible, open a bank account or hide money to establish or increase independence (i.e. tell the abuser you paid \$40 for a coat you bought for \$10).
- Leave money, an extra set of keys, copies of important documents, and extra clothes with someone you trust so you can leave quickly. Some items you want to consider having available: birth certificates, social security cards, marriage and driver's license, car title, bank account number, credit and/or ATM cards, savings account information, lease agreements, house deed, mortgage papers, insurance information and forms, school and health records, welfare or immigration documents, medications and prescriptions, divorce papers or other court documents, phone numbers/addresses for family/friends/community agencies, clothing and comfort items for them and their children, extra keys.

Are you living on your own (not with your partner)?

- Change the locks on doors and windows (if the abuser has a key or access to a key).
- Install a better security system (window bars, locks, better lighting, smoke detectors, and fire extinguishers).
- Increase emergency response's (police, ambulance) ability to find your house (have large visible street address outside the house).
- Obtain a PO Box and have all mail sent to it.
- Ensure that the phone company, BGE, etc. does not give out your information.
- Determine the safest way to communicate with the abuser if you must have contact with them. If you agree to meet, always do it in a public place (preferably a place with a security guard or police officer), and it's best to bring someone else. Make sure you are not followed home.
- If your partner follows in their car, drive to a police station or fire station and keep honking the horn.
- Create a safety plan for leaving work. Talk with your supervisor and building security at work and provide a picture of the abuser if possible. Arrange for a Domestic Violence presentation at your worksite.
- Teach your children a safety plan, including calling the police or family and friends if they are taken.
- Talk to your schools and childcare provider about who has permission to pick up the children and develop other special provisions to protect the children.
- Inform neighbors and/or landlord of the situation and advise them to call the police if they see suspicious activity around your house/apartment.
- Use the legal system. Understand the legal system cannot provide total protection. You must contribute to your own safety. Follow any court orders. If a judge orders your partner to stay away

and not have contact, you should not speak to the abuser if contacted. Inform the police or judge immediately.

- Keep a journal of harassing phone calls and times you may see your abuser around the work place or neighborhood. Keep a journal of anything that happens between you, the abuser, and the children regarding visitation.
- Concentrate on staying safe and don't let your guard down.

Safety planning around technology issues

- If you are leaving, or making plans to leave, use a public computer (i.e. at a library), or a work computer where the abuser does not have access.
- Be aware when visiting domestic violence sites on the internet that it's not possible to completely erase the history. Likewise, it may raise more questions, if the history is suddenly blank.
- Be careful with sent or received e-mail on an account that is shared by your abuser.
- Know what features your cell phone is equipped with. Many cell phones now come standard with GPS (Global positioning satellites) that can be traced.
- Save and/or print any threatening e-mails.
- In addition to the information provided here, there is information on the DHR website: www.dhr.state.md.us.

SAFETY PLAN

What is a Safety Plan?

A safety plan is a plan that helps you to reduce the risks that you and your children face.

There is no right or wrong way to do a safety plan. Check off and fill in the things that work for you. Make it your plan. Review it often. Make changes as you need to.

There is help for you to develop a safety plan. You can ask your social worker, family violence worker or some other person in the community to work with you on this.

Safety Plans will help you be as safe as you can be from future abuse. They are used by people who:

- Want to leave, but it is not safe
- Are not sure about leaving, but need help in case the abuser gets violent
- Have left and the threat of violence is still there

Safety Plans Can Help You:

- Get help in an emergency
- Get away safely
- Keep children safe
- Safely get your clothes, pets or other personal items

Personalized Safety Plan

The following steps are my plan for increasing my safety and preparing for possible further violence.

Although I do not have control over my (ex) partner's violence, I do have a choice about how I respond and how to get myself and my children to safety.

STEP 1: SAFETY DURING A VIOLENT INCIDENT.

In order to increase safety, battered people may use a variety of strategies.

I can use some or all of the following strategies:

- If I decide to leave, I will

_____. (Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)

- I can keep my purse/wallet and vehicle keys ready and put them (place) in order to leave more quickly.

- I can tell _____ about the violence and ask that they call the police if they hear suspicious noises coming from my home.

- I can also tell _____ about the violence and ask that they call the police if they hear suspicious noises coming from my home.

- I can teach my children how to use the telephone to contact the police and fire department.

- I will use _____ as my code word with my children or my friends so they can call for help.

- If I have to leave my home, I will go to, (Decide this even if you don't think there will be a next time.) _____

- If I cannot go to the place above, then I can go to _____ or _____

- When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as _____.

(Try to avoid arguments in the bathroom, by the telephone, garage, kitchens, near weapons or in rooms without access to an outside door.)

- I will use my judgment, experience and intuition. If the situation is very serious, I can give my partner whatever is necessary to maintain my own and my children's safety.
- I have to protect myself until I/we are out of danger.

STEP 2: SAFETY WHEN PREPARING TO LEAVE.

Battered people frequently leave the residence they share with the battering partner. Leaving may be done quickly, but sometimes leaving must be done over a period of time in order to increase safety. Batterers often strike back when they believe that a battered person is leaving a relationship.

I can use some or all of the following safety strategies:

- I will leave money and an extra set of keys with _____ so I can leave quickly.
- I will keep copies of important documents or keys at _____.
- I will open a savings account by _____, to increase my independence.
- I can get legal advice from a lawyer who understands domestic abuse.

Other things I can do to increase my independence are:

- The local shelter number is _____. I can seek shelter and support by calling this help line.
- I can keep change for phone calls on me at all times. I understand that if I use my telephone credit card, the following month the telephone bill could tell my batterer those numbers that I called after I left. If I use a cell phone, the following month's bill could tell my batterer the numbers that I have called or the batter may be able to have the company trace my calls. To keep my telephone communications confidential, I must either use coins or I might get a friend to let me use her telephone credit card for a while when I first leave.
- I will check with _____ and _____ to see who would be able to let me stay with them or lend me some money.
- I can leave extra clothes with _____.
- I will sit down and review my safety plan every _____ in order to plan the safest way to leave the residence. _____ (women's advocate or friend) has agreed to help me review this plan.
- I will rehearse my escape plan and, as appropriate, practice it with my children.

STEP 3: SAFETY IN MY OWN HOME.

Safety measures I can use include: *There are many things that a person can do to increase safety in their own residence. It may not be possible to do everything at once, but safety measures can be added step by step.*

- I can change the locks on my doors and windows as soon as possible.
- I can replace wooden doors with steel/metal doors.

- I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic alarm system, etc.
- I can purchase rope ladders to be used for escape from second floor windows.
- I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- I will teach my children how to use the telephone to make a collect call to me and to (friend/helper/other) in the event that my (ex) partner abducts them.
- I can install the "call blocking" option on my telephone. This will allow me to make telephone calls, even to the batterer, without my number being identified on another telephone's display mechanism.
- I will tell all the people who provide child care for my children about who has permission to pick up my children and who does not. The people I will inform about pick-up permission include:
 - School _____
 - Day Care Staff _____
 - Babysitter _____
 - Sunday School Teacher _____
 - Teacher _____
 - Other _____
- I can tell _____ (neighbor), _____ (clergy), and _____ (friend) that I am separated and they should call the police if my (ex)partner is seen near my residence.

STEP 4: SAFETY WITH A PROTECTION ORDER.

Protection orders are legal restrictions on movement and actions that come in different forms: peace bonds, restraining orders, bail conditions, parole conditions, child custody/access orders, etc. Many batterers do obey protection orders, but one can never be sure which violent partner will obey and which will violate probation orders. It is often necessary to ask the police and the courts to enforce a protection order.

The following are some steps that I can take to help the enforcement of my protection order.

- I will keep my protection order document(s) (original if possible) in _____ (location). (Always keep it on or near your person. If you change purses, that's the first thing that you should check).
- I will inform my employer, my clergy support, my friend and _____ and _____ that I have a protection order in effect.
- If my partner destroys my protection order, I can get another copy from the courthouse, my lawyer, or _____.
- If my (ex) partner violates the protection order, I can call the police and report the violation, contact my (ex) partner's parole officer, contact my lawyer and/or my advocate, and/or advise the court of the violation. (Report every violation of the order.)
- If the police do not help, I can contact my support worker, my (ex) partner's parole officer, or my lawyer as well as filing a complaint with the police department.
- I can also file a private criminal complaint with the court in the jurisdiction where the violation occurred. I can charge the batterer with a violation of the protection order and all the crimes committed in violation of that order. I can call the local shelter to help me with this.

STEP 5: SAFETY ON THE JOB AND IN PUBLIC.

Each battered person must decide if and when he or she will tell others that their partner has battered them and that he or she may be at ongoing risk. Friends, family and co-workers can help.

I might do any or all of the following:

- I can tell my boss, building security and or my supervisor and _____ at work of my situation.
- I can ask _____ to help screen my calls at work.
- When leaving work, I can _____.
- When going home if problems occur, I can _____.
- If I use the bus/taxi, I can _____.
- I can use different grocery stores/shopping malls and shop at different times than I did before to reduce the risk of contact with my (ex) partner.
- I can also _____.

STEP 6: SAFETY AND DRUG OR ALCOHOL CONSUMPTION.

Many people drink alcohol or use drugs (legal or otherwise). The legal consequences of using illegal drugs can be very hard on a battered person, may hurt their relationship with their children and put them at a disadvantage in other legal actions with their abusive partner. Therefore, people should think carefully about the potential cost of using illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce an individual's awareness and ability to act quickly to protect themselves from their abusive partner. Furthermore, the use of alcohol or other drugs by the batterer may be used as an excuse for violence. A battered individual needs to make specific safety plans for when he or she drinks or takes drugs.

If drug or alcohol consumption has occurred in my relationship with the abusive partner, I can increase my safety by some or all of the following:

If I am going to drink alcohol or use drugs, I can do it in a safe place and with people who understand the risk of violence and care about my safety.

- ☐ I can also _____.
- ☐ If my partner is consuming, I can _____.
- ☐ To safeguard my children, I might _____ and _____.

STEP 7: SAFETY AND MY EMOTIONAL HEALTH.

The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life requires much courage and incredible energy.

To conserve my emotional energy and resources and to avoid hard emotional times, I can do some of the following:

- If I feel down and ready to return to a potentially abusive situation, I can _____.

- When I have to talk with my partner in person or by telephone, I can
-

- I can try to use "I can..." statements with myself and to be assertive with others.
- I can tell myself - " _____ " - whenever I feel others are trying to control or abuse me.
- I can call, _____, and _____ as other resources to support me.
- I can find out about and attend workshops and support groups in the community by calling the local shelter for information.

STEP 8. ITEMS TO TAKE WHEN LEAVING.

When an individual leaves abusive partners, it is important for them to take certain items with them. Beyond this, individuals can sometimes give extra copies of papers and an extra set of clothing to a friend just in case they have to leave quickly.

Items with asterisks on the following list are the most important to take. If there is time, the other items might be taken, or stored outside the home. Keeping them all together in one location makes it easier if a woman needs to leave in a hurry.

When I leave, I should take:

- _ Identification for myself
- _ Protection Order papers/documents
- _ Social insurance cards
- _ School and vaccination records
- _ Checkbook, bankcards
- _ Keys - house/vehicle/office
- _ Medications
- _ Divorce/separation papers
- _ Lease/rental agreement, deed, mortgage
- _ Insurance papers
- _ Address book
- _ Items of special sentimental value
- _ Children's favorite toys and/or blankets
- _ Children's birth certificates
- _ My birth certificate
- _ Immigration papers
- _ Money
- _ Credit cards
- _ Driver's license and ownership
- _ Passport
- _ Medical records
- _ Bank books
- _ Small saleable objects
- _ Pictures/photos
- _ Jewelry

Telephone numbers I need to know:

RCMP:

Counselor:

Battered Women's Program:

Domestic Violence Help line (24 hours):

Lawyer:

Work number:

Supervisor's home number:

Minister/Rabbi/Priest/Elder:

Other: _____